LOK SABHA DEBATES

(Part I – Questions and Answers)

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SEVENTH SESSION

1954

LOK SABHA SECRETARIAT

NEW DELHI

LOK SABHA

Tuesday, 7th September, 1954

The Lok Sabha met at a Quarter Past Eight of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

HINDUSTAN AIRCRAFT LTD.

*577. **Shri V. P. Nayar:** Will the Minister of **Defence** be pleased to state:

(a) whether the Factory Manager of the Hindustan Aircraft Limited has acquired in India 2 fourseater Dove Transport Aircraft and if so, how he acquired them and for what price;

(b) whether it is a fact that one of them is still in a hangar of the Hindustan Aircraft Limited; and

(c) what, if any, are the charges levied from him for towing in the hangar and if not, whether any special permission is given to him to use the hangar free?

The Deputy Minister of Defence (Sardar Majithia): (a) No; the Factory Manager has only purchased an Aeronca aircraft for Rs. 5,000/- in a private transaction.

(b) The above aircraft is stored in a hangar of Hindustan Aircraft Ltd.

(c) Normal charges as levied for hangar space under normal rules are recovered from the Factory Manager.

Shri V. P. Nayar: May I know whether Government have permitted the Works Manager to bring in money from the United States for acquiring this aircraft?

Sardar Majithia: There is no question of bringing anybody from the United States. This aircraft was purchased...

Shri V. P Nayar: To bring in money; I asked.

Sardar Majithia: Money? I am not too sure of that. I do not think any money came from United States for this aircraft.

Shri V. P. Nayar: What is the monthly overall income which the Manager gets for his work in the Hindustan Aircraft Limited?

Mr. Speaker: I do not allow that question; it is going too much into details.

Shri V. P. Nayar: Sir, the aircraft was got for Rs. 50,000.

Sardar Majithia: No; only Rs. 5,000.

Mr. Speaker: It is going too much into details. The hon. Member may discuss the matter privately with the Minister.

COAL DEPOSITS IN GODAVARI VALLEY

*579. **Shri Raghavaiah:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether steps are being taken to survey the extent of coal deposits in the Godavari valley in Andhra State;

(b) if so, what; and

(c) when the survey is expected to start?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) to (c). The Geological Survey of India have included the investigtaion of coal deposits in East and West Godavari Districts by drilling as an item of work for the field season commencing November, 1954

Shri Raghavaiah: May I know whether any attempts have been made to conduct the geological survey in other parts of Andhra State?

Shri K. D. Malaviya: A programme is being chalked out for further surveys of various minerals.

Shri Raghavaiah: My question is, whether with a view to find out coal deposits, any survey has been conducted in the parts of Andhra State, and not simply a geological survey?

Shri K. D. Malaviya: I could not follow the question.

Mr. Speaker: He wants to know whether any survey has been made particularly for coal deposits.

Shri K. D. Malaviya: For some time work has been going on to survey and prospect for coal. As a matter of fact, we knew about some coal deposits previously also. The Madras Government also, a few years back, did their survey work. We have now chalked out further programme for prospecting of coal in the East and West Godavari Districts and this is going to start from November, 1954.

Shri Raghavaiah: May I know by what time the survey is likely to be finished and the results obtained?

Shri K. D. Malaviya: I can give no idea.

OUTBREAK OF FIRE IN ORDNANCE DEPOT, DELHI CANTT.

*581. **Shri Ajit Singh:** Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that there were cases of outbreak of fire in the Central Ordnance Depot, Delhi Cantonment in June, 1954;

(b) if so, what was the amount of loss; and

(c) whether any court of Inquiry was held to go into the causes of the incident and if so, with what results?

The Deputy Minister of Defence (Shri Satish Chandra): (a) There were two cases of outbreak of fire at C.O.D. Delhi Cantt. on 15th and 16th June, 1954, respectively.

(b) (i) on 15th June 1954, the loss was Rs. 395/-

(ii) on 16th June 1954, the loss was Rs. 4,236/-.

(c) Courts of Inquiry were held in both cases. The findings of the Court in respect of the fire on the 15th June 1954 are that the fire could have broken out either due to spontaneous combustion or due to sparks from the Railway engine of any Goods train passing on the main line running near the Depot. The fire of the 16th June 1954 was attributed to spontaneous combustion.

INDUSTRIAL DEVELOPMENT CORPORATION

*582. **Dr. Ram Subhag Singh:** Will the Minister of **Finance** be pleased to refer to his statement made on the 24th February, 1954 and state when the Industrial Development Corporation suggested by the Mission from the International Bank for Reconstruction and Development is likely to be constituted?

The Minister of Finance (Shri C. D. Deshmukh): I expect the suggested Corporation to be constituted by the end of this year

Dr. Ram Subhag Singh: May I know whether the International Bank has agreed to give any aid to this corporation for helping Indian industry?

Shri C. D. Deshmukh: They contemplate giving such loan assistance to this corporation.

Dr. Ram Subhag Singh: May I know whether this Industrial Development Corporation is intended to help all industries: I mean large-scale industries

and cottage industries, or only large-scale industries?

Shri C. D. Deshmukh: Generally the Corporation is expected to promote, establish and assist industrial undertakings in the private sector. They have not yet defined the precise scope of their operations except that the memorandum of association and articles of association have been drawn up in consultation with the Government. A draft agreement to be entered into between the Government and the proposed Corporation has also been prepared and the International Bank at Washington is now considering the draft of the guarantee agreement between the Bank and the Government. So, when all these things are completed, we will know, more precisely, what exactly are the industries which the Corporation will encourage.

Pandit D. N. Tiwary: May I know what will be the approximate capital and what will be the Government's contribution to it?

Shri C. D. Deshmukh: This question has been answered before. Rs. 7½ crores which is the rupee equivalent from the sale proceeds of iron and steel received under the Indo-U.S. Technical Co-operation Programme for supply of steel, will be made available to the Corporation as interest-free advance.

Shri N. B. Chowdhury: May I know whether there is any truth in the Press report that the Commerce and Industry Ministry has applied to the Industrial Finance Corporation for a loan of Rs. 100 crores in order to start an Industrial Development Corporation to help the modernisation in textile and jute industries?

Shri C. D. Deshmukh: We are concerned with the private corporation which has been referred to by various names. The latest proposed is: "The Industrial Investment Corporation". The question that the hon. Member asks refers to the Development Corporation which is contemplated to be established by the Commerce and Industry Ministry. That question should, therefore, be addressed to the Commerce and Industry Minister.

'SOLAR GENERATOR'

***583. Sardar Hukam Singh:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether the United States Air Force has developed a "solar generator" whereby the sun's energy could be stored and turned into electricity for domestic use; and

(b) whether any of our laboratories are conducting research on those lines and whether any progress has been made for storing solar energy?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) No, Sir. The United States Air Force has used cadmium sulphide crystals to convert light rays directly into electricity. This Solar Battery has so far generated only feeble currents and the application to industry may take considerable time. The efficiency of conversion so far is only 6 per cent.

(b) No, Sir. The National Physical Laboratory is studying the direct utilisation of solar energy through concentration by mirrors for working hot air engines, and for heating water for steam raising, distillation and domestic use. The solar battery of the Bell Telephone Laboratory was studied by the Director, Scientific and Industrial Research and literature has been supplied to the National Physical Laboratory, New Delhi.

Sardar Hukam Singh: This is the second power from the sun so far as United States is concerned. Have our laboratories conducted any research about the first power that the United States got from the sun?

Shri K. D. Malaviya: I could not follow the question.

Mr. Speaker: The hon. Member says that this is the second method of

obtaining power and wants to know whether there is any other method of obtaining power.

Sardar Hukam Singh: There was one first generator by which the United States got the first power from the sun some time ago. This is the second power they have got. Our laboratories have not conducted any research so far as this is concerned. May I know if we have conducted any research so far as the first power is concerned?

Shri K. D. Malaviya: I am not aware of the first and second power generated in United States. But as I said, our laboratories are working on direct utilisation of solar energy by mirrors for demestic and other heating purposes.

केन्द्रीय सचिवालय का पुस्तकालय

*५८४. **सेठ गोविन्द दास :** क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५३–५४ में केन्द्रीय सचिवालय के पुस्तकालय के लिए नई पुस्तकें खरीदने पर कितना खर्च किया गया;

(ख) अंग्रेज़ी और हिन्दी की पुस्तकों पर अलग अलग कितना खर्च किया गया; और

(ग) इसी समय में अंग्रेज़ी और हिन्दी की कितनी कितनी पुस्तकें पढ़ने के लिए दी गईं ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Rs. 27,000-0-0

	Rs.	
(b) On English books	24,500-0-0	approx.
On Hindi books	2,500-0-0	,,
(c) English books issued during 1953-54	30,500	approx
Hindi books issued during 1953-54	9,200	,,

सेठ गोविन्द दास : हिन्दी पुस्तकों पर इतना कम खर्च होने का क्या कारण है ?

Dr. M. M. Das: There are two reasons for this. Firstly, the average cost of an English book is Rs. 9, whereas the average cost of a Hindi book is only Rs. 3, and secondly, the demand for English books is much more than the demand for Hindi books—it is more than three times

सेठ गोविन्द दास : क्या यह जो हिन्दी पुस्तकों की मांग इतनी कम है, उस का सबब यह नहीं है कि जिस तरह की हिन्दी पुस्तकें आनी चाहियें उस तरह की पुस्तकें न तो आ रही हैं और न रक्खी जा रही हैं ?

Dr. M. M. Das: I beg to submit that the number of Hindi books that are purchased are going up year by year. If you compare the figures, you will find that during the year 1952-53, Rs. 1,500 was spent for purchase of Hindi books, and during the year 1953-54, Rs. 2,500 was spent. The figure, therefore, went up from Rs. 1,500 to Rs. 2,500. So far as the number of the Hindi books is concerned, it was 500 in 1952-53 and it went up to 850 in 1953-54.

सेठ गोविन्द दास : जिस प्रकार से अभी माननीय सचिव ने बताया कि हिन्दी पुस्तकों पर प्रति वर्ष इतना इतना खर्च हो रहा है, उस प्रकार से अंग्रेजी पुस्तकों के ऊपर कितना खर्च हो रहा है ?

Dr. M. M. Das: The amount spent on English books in 1952-53 was Rs. 18,500, and this figure has gone up to Rs. 24,500 in 1953-54.

Official Dress of Government Servant

*586. **Shri Dabhi:** Will the Minister of **Home Affairs** be pleased to refer to the reply to Starred Question No. 414 asked on the 26th February, 1954 and state how far the Government's suggestions to officials regarding the dress to be worn for the office and on ceremonial occasions, especially the suggestion that the clothes should be of hand-spun and hand-woven material, are being observed?

The Deputy Minister of Home Affairs (Shri Datar): Government have no reason to feel that the suggestions are not being generally followed.

Shri Dabhi: May I know how many government servants wear only *khadi* clothes while attending their offices?

Shri Datar: I have not got the figure, but I know that *khadi* clothes are being worn by government servants in a very large measure.

Shri Thimmaiah: May I know whether the same instructions were given to State Governments also?

Shri Datar: Copies of our official memorandum were sent to State Governments, and some of the State Governments, including the Mysore Government, have already issued similar orders.

PAKISTANI PRISONERS

*587. **Shri Krishnacharya Joshi:** Will the Minister of **Home Affairs** be pleased to state:

(a) the total number of cases of released prisoners of Pakistani nationality that have been taken up with the Pakistan High Commissioner since the decisions reached at the Indo-Pakistan Passport Conference, 1953; and

(b) the total number of persons that have been repatriated?

The Deputy Minister of Home Affairs (Shri Datar): (a) 146.

(b) The number of persons in whose case the repatriation has so far been agreed to by the Pakistan High Commissioner is 19. The number of persons who have actually left India is not known.

Shri Krishnacharya Joshi: May I know whether the India-Pakistan Passport Agreement is working well?

Shri Datar: It has been, to a certain extent, satisfactory, and whenever any difficulties arise, again the parties meet and attempts are made to amend the rules.

Shri Krishnacharya Joshi: May I know the total number of persons who are to be repatriated?

Shri Datar: I have not got those figures here.

Dr. Ram Subhag Singh: May I know the number of prisoners, out of the 146 cases taken up with the Pakistan High Commissioner, that are still living in India?

Shri Datar: Government presume that most of these persons are living in India, because we have no other authority to send them out of India by force.

SEPARATION OF AUDIT FROM ACCOUNTS

*589. **Shri A. M. Thomas:** Will the Minister of **Finance** be pleased to state whether Government have taken any steps in the matter of the separation of Audit from Accounts, and if so, what?

The Minister of Finance (Shri C. D. Deshmukh): A senior officer of the Ministry has been nominated to draw up, in consultation with an officer whom the Comptroller and Auditor General is placing on special duty in his office, proposals for effecting the separation in the Central sphere. The work is starting almost immediately.

Shri A. M. Thomas: May I enquire whether Government has any idea of the additional financial outlay on account of the inroduction of this scheme?

Shri C. D. Deshmukh: Not yet.

Shri A. M. Thomas: May I enquire when the Government expects a report from the special team that has been constituted?

Shri C. D. Deshmukh: It is not possible to say how long these officers will take to submit their report as the question of separation is a complex matter, full of difficulties.

Shri A. M. Thomas: In reply to the discussion on Budget, the Finance Minister stated that the Auditor-General himself has put forward a scheme. May I enquire what exactly are the difficulties for the Government in implementing the scheme of the Auditor-General?

Shri C. D. Deshmukh: The Comptroller and Auditor-General has not put forward a scheme, but he had put forward the principle, which has been accepted by Government. The difficulties are of three kinds--organisational, administrative, that is to say, the question of absorption of staff, and financial. I could go into detail if the hon. Member wants. As an illustration of the organisational difficulties, I may mention the question whether the Accounts Officers should be taken over by Government in the existing form or whether there should be separate Accounts Officers for each Ministry or Department. Then, there are various other difficulties connected with the establishment of a system of exchequer issues and so on.

NATIONAL ATLAS

*591. **Shri Ram Dass:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether it is a fact that Government have set up an Advisory Board to formulate a scheme for the preparation of a National Atlas of India;

(b) if so, the names of the Members of the Board;

(c) the period within which the Atlas will be prepared; and

(d) the main things which will be included in this Atlas?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) Yes, Sir.

(b) The names of the members of the Advisory Board are:—

1. Shri T. Gonsalves, Deputy Secretary, Ministry of Natural Resources and Scientific Research.
2. Dr. D. N. Wadia, Geological Adviser, Atomic Energy Department. } Nominees of the National Institute of Sciences.
3. Shri J. M. Sen }
4. Shri S. P. Chatterjee, Prof. & Head of the Department of Geography, Calcutta University.
5. Shri Shiv Charan Singh, Deputy Secretary, Ministry of Defence.
6. Dr. R. K. Bhan, Officer on Special Duty, Ministry of Education.
7. Shri V. Nath, Deputy Director, Planning Commission.

(c) Utmost two years.

(d) A statement furnishing the information is laid on the Table of the House. [*See* Appendix IV, annexure No. 22.]

Shri Ram Dass: From the list supplied, I find that the atlas will show maps of India of different historical periods. May I know if these periods will relate to the periods of the *Ramayana* and *Mahabharata* also?

Shri K. D. Malaviya: I cannot give any idea like that at the present stage.

Shri Kelappan: May I know when this Board was appointed?

Shri K. D. Malaviya: The Board was initiated some time in September 1953.

WELFARE INSTITUTIONS

*592. **Sardar A. S. Saigal:** Will the Minister of **Finance** be pleased to state:

(a) whether any scheme has been drawn up for the utilization of the services of voluntary welfare organisations all over the country for intensified collection of Small Savings;

(b) whether Government propose to appoint 100 registered institutions as authorised agents for the sale of 12 year National Certificates on the usual commission basis;

(c) what target under the National Savings Scheme has been fixed for the whole of India; and

(d) how much amount has been collected so far by the Savings Campaign?

The Deputy Minister of Finance (Shri A. C. Guha): (a) Yes Sir. I would invite the Hon'ble Member's attention to para. 38 of the Finance Minister's Budget Speech for this year. A large number of selected voluntary organisations are being appointed as authorised agents to mobilise savings.

(b) Yes, Sir.

(c) Rs. 45 crores for 1954-55.

(d) Rs. 13 crores for the first three months ending July 1954.

Sardar A. S. Saigal: May I know whether it is a fact that some of the local bodies and institutions are not giving proper facilities to their employees to convert the shares of contribution for small savings?

Shri A. C. Guha: I do not know what the hon. Member refers to, but if he has any specific cases, he may please pass on the information to me for examination.

Shri T. N. Singh: May I know if Government have seriously considered the suggestions made in the House several times that the provident fund of private concerns also should be appropriated towards investment in small savings by compulsion?

Shri A. C. Guha: Provident funds of even private concerns are, to a very large extent, now put in the National Savings without any compulsion.

SCHOOLS FOR VOCATIONAL TRAINING

*593. **Shrimati Tarkeshwari Sinha:** Will the Minister of **Education** be pleased to state:

(a) whether Government propose to subsidise 500 selected High Schools for vocational training throughout the country;

(b) how the expenditure on such institutions will be apportioned between the State Governments and the Centre; and

(c) which particular States and areas have been selected to impart these types of multi-lineal education and the reasons, if any, for their being so selected?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) The Government of India has formulated a scheme of converting 500 Secondary Schools into multi-purpose schools, which will make a provision for certain vocational courses.

(b) It is proposed that Central contribution on recurring expenditure may be provided at 25 per cent. and on non-recurring expenditure at 66 per cent.

(c) All State Governments have been invited to participate in this scheme.

Shrimati Tarkeshwari Sinha: What are the subjects in which this training will be given and will the training be in addition to the course that is prescribed by the different universities, secondary boards or high schools?

Dr. M. M. Das: These courses, which are proposed to be introduced, will be added to the syllabus, and the candidate will be required to select a few of them as is the case now. The courses are: science courses, technical courses, agricultural courses, commerce courses, fine arts courses and home science courses.

Shrimati Tarkeshwari Sinha: May I know, Sir, whether all these schools will be subsidised during the remaining period of the first Five Year Plan, or whether the amount will be carried over to the next Five Year Plan?

Dr. M. M. Das: Sir, I cannot say at this stage whether that will be carried over to the next Five Year Plan or not. But, as I have said, only five hundred existing institutions, secondary schools, will be selected all

over the country for this purpose for conversion into multi-purpose schools.

Shri S. V. Ramaswamy: What will be the nature of these multi-purpose schools? Will they be in the nature of polytechnics, occupation schools or trade schools?

Dr. M. M. Das: This question has been clearly answered in the Report of the Secondary Education Commission which is available in our Library.

BURGLARIES IN DELHI

*594. **Shri Nageshwar Prasad Sinha:** Will the Minister of **Home Affairs** be pleased to state:

(a) how many cases of burglary occurred in Delhi and New Delhi between January, 1953 and June, 1954; and

(b) in how many of these cases, domestic servants were involved?

The Deputy Minister of Home Affairs (Shri Datar): (a) 1838.

(b) 13.

Shri Nageshwar Prasad Sinha: May I know in how many of these cases the victims were M.Ps., Ministers or Deputy Ministers?

Shri Datar: It is unfortunately true that the Ministers and M.Ps. are not exempted from the operation of burglars. Their number is four or five, not more.

Shri Nageshwar Prasad Sinha: May I know in how many of these cases the culprits have gone untraced, undetected and unpunished?

Shri Datar: I have not got the number, so far as cases where they are untraced. But in a very large number of cases they were produced before the courts and there have been convictions also.

Shri P. C. Bose: May I know, in view of the very large number of theft cases, whether Government propose to instruct the police to maintain a register of domestic servants in Delhi?

Shri Datar: A register of thefts is already kept.

Mr. Speaker: He means a register of domestic servants.

Shri Datar: Their number is not very large. You will find that it is only, 13 out of 1,800. It is premature at this stage to suspect all government servants.

INTERNATIONAL MONETARY FUND

*602. **Shri Bansal:** Will the Minister of **Finance** be pleased to state:

(a) whether the attention of Government has been drawn to the suggestions made in the Report of the Mission of the International Monetary Fund for the improvement of the wholesale price index; and

(b) if so, what steps have been taken to change the base period and to bring about other changes in the index?

The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat): (a) Yes, Sir.

(b) A revised and more comprehensive index with 1952-53 as base is under preparation. A statement explaining the position in detail is placed on the Table of the House. [*See* Appendix IV, annexure No. 23.]

Shri Bansal: From the statement I find that on the suggestion of the I.M.F. another tentative series of wholesale prices of domestically-produced and domestically-consumed goods is under preparation. May I know, Sir, what is the base for this series of index?

Shri B. R. Bhagat: I want notice of this question.

Shri Bansal: In how many centres are prices going to be collected now for the new series of wholsale indices?

Shri B. R. Bhagat: 210.

Shri Bansal: From the statement I find that the index is going to be made by again reverting to the system of arithmetical averaging in place of the geometrical, one which was introduced in 1944. May I know, Sir, what are the considerations which weighed with the committee in suggesting this?

Shri B. R. Bhagat: For a precise answer the hon. member may refer to books on mathematics. As a layman I may say that the arithmetical form is considered to be more precise and to the point.

Shri Bansal *rose*—

Mr. Speaker: The hon. Member is going into too many details which the Parliamentary Secretary is not in a position to answer at present.

Shri Bansal: Now that the series is going to be changed to the base period 1952-53, would it not be better to make the base period 1951-52 which is the first year of our Plan and which would facilitate comparisons in future?

Mr. Speaker: I am afraid he is making a suggestion instead of asking a question.

The Minister of Finance (Shri C. D. Deshmukh): I would like to say that it has not been finally decided that 1952-53 shall be the base. That was our tentative conclusion. The Planning Commission has suggested a certain other year and the matter will have to be considered again. At that time the suggestion made by the hon. Member will be considered.

SMUGGLING OF MONAZITE

*608. **Shri N. B. Chowdhury:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that Norwegian fishermen have been found to take away Monazite from the coast of Travancore-Cochin; and

(b) if so, what steps, if any, have been taken by Government to stop this smuggling?

The Deputy Minister of Finance (Shri A. C. Guha): (a) No Sir. Investigations made by Government have shown that there is no truth whatsoever in this report.

(b) The export of Monazite has been stringently controlled, and adequate security and preventive measures have been in force since some years.

Shri N. B. Chowdhury: May I know, Sir, whether Government's attention has been drawn to the fact that these fishermen when they go out into the sea come back after a very long time and nothing is known about their whereabouts during that period?

Shri A. C. Guha: Whatever may be the movements of these fishermen Government have made adequate enquiries and they are satisfied that there is no basis in the allegation that the Norwegian fishermen are smuggling monazite. Under the precautions taken by Government we feel it is hardly possible.

Kumari Annie Mascarene: May I know whether Government have received any information from any M.Ps. regarding the smuggling of monazite by Norwegian fishermen?

Shri A. C. Guha: I cannot say whether any M.P. has reported the matter, but there were some newspapers on that side which published certain allegations. I would ask the hon. Member not to take those newspaper reports to be correct. Newspapers have got all sorts of affiliations and they may have certain motives in publishing those things.

RECRUITMENT OF SOLDIERS

*606. **Shri Jhulan Sinha:** Will the Minister of Defence be pleased to state the names of the States in India where the largest number of soldiers have been enrolled during the last two years?

The Deputy Minister of Defence (Sardar Majithia): The States where the largest number of personnel were enrolled in the Defence Services during the last two years are mentioned below in order of numbers recruited:—

Punjab

Uttar Pradesh

Madras

Bombay.

Shri Jhulan Sinha: May I know if these figures of recruitment show any indication that even the non-martial

races have begun to offer themselves for recruitment in increasing numbers?

Sardar Majithia: About the non-martial races, recruitment figures have shown an improvement.

श्री भक्त दर्शन : क्या मैं जान सकता हूं कि भरती को अधिक प्रोत्साहन देने के लिये कौन से विशेष उपायों का अवलम्बन किया गया है ?

Mr. Speaker: Have any special measures been taken for encouraging recruitment among non-martial races?

Sardar Majithia: Recruitment has been thrown open to each and every citizen of India without any distinction of caste, creed or colour.

LAW COMMISSION

***607. Shri Viswanatha Reddy:** Will the Minister of **Law** be pleased to state:

(a) whether it is proposed to set up a Law Commission to consider the existing laws and to suggest suitable legislation to bring the laws to the requirement of the present day; and

(b) if so, when the Commission is likely to be set up?

The Minister of Law and Minority Affairs (Shri Biswas): (a) and (b). The proposal to set up a Law Commission is under consideration, but no decision has been reached.

Shri Viswanatha Reddy: May I know whether the Law Commission will be charged with indicating the lines on which future legislation should take place, or will it deal only with such legislation as has been passed?

Shri Biswas: The matter, as I have said, is under consideration. There are various points to be taken into account: first of all what should be the scope of the Commission; what should be the terms of reference to the Commission; whether it should be confined only to an examination of the existing statutes by turn and suggest that a particular statute may be taken up for revision now and another a few years hence. That is one point of view. Another point of view is to make the law up-to-date; to take into account changes which are necessary in view of conflicts of judicial decisions or in view of decisions of the Supreme Court or other High Courts, and so on. Then again the question is, how far the law should be amended to bring it into conformity with the Constitution. That means something more than merely repealing or amending an Act. Take for instance a question..... *(Interruption).* If my hon. friend wants an explanation, I am explaining what are the points which have to be considered. And that will explain why the proposal is not yet before the House.

Shri Raghuramaiah: May I know whether simplification of the present complicated judicial machinery is one of the things which is likely to be entrusted to the Law Commission?

Shri Biswas: No, so far as I can say. That question is not under examination now.

PENSIONERS IN MANIPUR

***609. Shri Rishang Keishing:** Will the Minister of **States** be pleased to state:

(a) the number of pre-integration pensioners now enjoying pension benefits in **Manipur;**

(b) the total expenditure annually incurred by Government on their pensions;

(c) whether representations from the pensioners have been received by Government for temporary increase in their pensions; and

(d) if so, the action taken by Government on them?

The Minister of Home Affairs and States (Dr. Katju): (a) 184.

(b) Rs. 32,760/-/-.

(c) Some representations have been received.

(d) We have not found it possible to extend this concession to those servants of the former State of Manipur who retired before integration; but the increases are admissible to those who retired after integration.

Shri Rishang Keishing: May I know on what ground the representations of these low-paid pre-integration pensioners have failed to receive the favourable consideration of the Government of India?

Dr. Katju: The representations have been received from what I consider to be the pre-integration pensioners.

Mr. Speaker: He wants to know why they were not favourably considered, what was the reason to make a distinction between pre-integration and post-integration pensioners.

Dr. Katju: The Government of India many years ago—'many' means about five or seven years ago—decided that people who retire after 1945 should get some increase and not those who retired before 1945. And that meant pre-integration practically. But I may add here that we are taking up this question with the Finance Ministry once again to see whether anything can be done in the interests of the small pensioners of the pre-integration period.

Shri Rishang Keishing: In view of the fact that the amount of the pension drawn by these low-paid pre-integration pensioners have varied from five rupees to thirty-five rupees only and that there has been a tremendous rise in the cost of living in Manipur, may I know whether Government will reconsider their case?

Dr. Katju: The very facts that my hon. friend has stated have induced us to press for reconsideration.

Mr. Speaker: Next question, No. 612.

Shri Kasliwal: There are two other questions, No. 634 and No. 635 on the same subject. May I suggest that they may also be taken up with this?

Mr. Speaker: Is that convenient to the hon. Minister?

The Minister of Home Affairs and States (Dr. Katju): May I answer them now?

Mr. Speaker: Yes, all three.

HOISTING OF PAKISTAN FLAG ON GANDHIJI'S STATUE

*612 { **Shri P. N. Rajabhoj:** / **Shri Kasliwal:**

Will the Minister of States be pleased to state:

(a) whether it is a fact that a Pakistan flag was hoisted a few days back on Mahatma Gandhi's Statue in Nizamabad (Hyderabad State);

(b) whether Government have received any report from the Government of Hyderabad regarding the persons who hoisted this flag;

(c) whether there was any subsequent trouble in Hyderabad State as a result of which firing was resorted to by the police;

(d) if so, the real cause for the firing; and

(e) the number of persons dead and injured as a result thereof?

The Minister of Home Affairs and States (Dr. Katju): (a) No. According to the information available with the Government of India, a flag closely resembling the Pakistan flag was found hoisted over Mahatma Gandhi's Statue in Nizamabad on the night of 14th August 1954.

(b) The Hyderabad Government have not yet been able to indentify the persons who hoisted the flag.

(c) There has been some trouble but Government are not aware of any firing by the police.

(d) and (e). Therefore, do not arise.

पाकिस्तानी झण्डा फहराया जाना

*६३४. श्री रघुनाथ सिंह: क्या राज्य मंत्री यह बताने की कृपा करेंगे कि गत स्वतंत्रता दिवस के अवसर पर कितने स्थानों पर पाकिस्तानी झण्डा फहराने का प्रयत्न किया गया ?

The Minister of Home Affairs and States (Dr. Katju): The attention of the Hon'ble Member is invited to my reply to Question No. 612 by Shri P. N. Rajabhoj and Shri Kasliwal, which I have just read.

HOISTING OF PAKISTANI NATIONAL FLAG

*635. **Shri Krishnacharya Joshi:** Will the Minister of States be pleased to state:

(a) whether Government are aware of the fact that frequent occurrences of the hoisting of the Pakistan National Flag are being noticed in different parts of the country;

(b) if so, the names of the places where Pakistan National Flag has been hoisted since the 15th August, 1954; and

(c) whether any disturbances occurred on account of the said incidents?

The Minister of Home Affairs and States (Dr. Katju): (a) to (c). The Hon'ble Members are apparently referring to the Press reports about hoisting of Pakistan flags in a few places in the Hyderabad State. According to reports received by the Government of India, green flags resembling the Pakistan National Flag were found in a few places in the Hyderabad State. These discoveries led to demonstrations and disturbances in those places which were not of a serious nature. The Hyderabad Government have taken prompt steps to restore law and order.

Shri Kasliwal: May I know how many incidents of this nature have come to the notice of the Government after August 15, and how many cases in Hyderabad?

Dr. Katju: So far as places out of Hyderabad are concerned, I know only of one, at Raipur in Madhya Pradesh. I am only referring to these flag incidents. All the others are incidents which are said to have happened in Hyderabad, round about Nizamabad and Gulberga and other places.

Shri Kasliwal: May I know whether Government have any information to the effect that there are certain agents of Mir Laik Ali, who had fled away from Hyderabad to Pakistan, who are moving to and fro between Pakistan and Hyderabad and are responsible for these incidents?

Dr. Katju: I have no such information so far.

Shri Krishnacharya Joshi: May I know whether the flag which was hoisted at Gulberga was a Pakistani flag?

Dr. Katju: That is what is asserted. As to whether it was a genuine Pakistani flag or not, that is a matter of opinion.

An Hon. Member: What is meant by genuine?

Dr. Ram Subhag Singh: May I know whether Government is satisfied that the State Governments concerned have taken adequate steps to see that no flag of this nature will be hoisted in any part of these States in future?

Dr. Katju: What has the State Government got to do with it? They are doing their best to maintain law and order, restore law and order, ease tension. They have taken steps which are in their administrative control. And they are forming Peace Committees in which members belonging to all communities are to operate.

Mr. Speaker: The point of the question is a bit different, as I have been able to understand, the point is that the occurrence of such incidents in different parts of India presumably means an organised effort on the part of the friends of Pakistan to have something which is really dangerous from the point of view of the security of the country. That seems to be the point.

Dr. Ram Subhag Singh: And whether the Governments concerned are taking adequate steps to check that action.

Dr. Katju: My hon. friend is, if I may say so, in the words of Sherlock Holmes, drawing inferences from certain facts. The first is that it is a Pakistani flag. The second question is that it is genuine Pakistani people who are doing this mischief. The other inference which has been sought to be raised is that it is some other people who want to disturb the communal harmony in Hyderabad, who are putting up this show so that there might be tension. There are so many inferences which may be drawn. As to which particular inference is the right inference, that is a matter of investigation. Investigation is going on.

..**Several Hon. Members** *rose*—

Mr. Speaker: I think we better go to the next question.

DIVISION OF ASSETS

*613. **Shri Raghuramaiah:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether any reference has been received from the Andhra Government under Section 51 of the Andhra State Act, 1953 urging re-allocation of any property or benefit, apportioned under the Andhra State Act, as between the States of Andhra, Madras and Mysore; and

(b) if so, the action that has been taken thereon?

The Deputy Minister of Home Affairs (Shri Datar): (a) No.

(b) Does not arise.

Shri Raghuramaiah: May I know whether any reference of that nature has been received either from Madras or Mysore?

Shri Datar: We have received a reference under section 51 of the Andhra State Act from the Government of Madras regarding the division of shares, rights and liabilities of the Madras Government in the Madras Industrial Investment Corporation Ltd.

Shri Raghuramaiah: May I know the nature of the reference received, and how long it will take to adjudicate on that?

Shri Datar: The nature of the reference was for the purpose of fixing up the shares, rights and liabilities. That matter was referred to the Andhra Government and their latest letter is that they want some more time for consideration.

INSTITUTE OF MANAGEMENT

*614. **Shri Anirudha Sinha:** Will the Minister of **Education** be pleased to refer to the reply to starred question No. 1492 asked on the 1st April, 1954 and state;

(a) whether the Planning Committee set up for the purpose of preparing details for the establishment of Administrative Staff College and Institute of Management has submitted its report; and

(b) if so, the action taken by Government thereon?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) and (b). The Committee has not yet submitted its report and is still engaged in the work.

Pandit D. N. Tiwary: How long will it take for the Committee to finish this work?

Dr. M. M. Das: The Sub-Committee that has been formed for the National Institute of Management has finalised its plans and is due to submit its report in October next and the Sub-Committee that has been formed for the Administrative Staff College will also finalise its report in October or November.

केन्द्रीय समाज कल्याण बोर्ड

*६१५. **श्री जी० एल० चौधरी:** क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय समाज कल्याण बोर्ड ने १९५३-५४ में उत्तर प्रदेश के शिशु कल्याण केन्द्रों को कितनी राशि दी है; और

(ख) इन केन्द्रों के नाम क्या हैं ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) The Central Social Welfare Board has sanctioned Rs. 18,000/- to 6 (six) Child Welfare Organisations in U. P.

(b) A statement is attached. [*See* Appendix IV, annexure No. 24]

श्री जी० एच० चौधरी : क्या मैं जान सकता हूं कि इन इंस्टीट्यूशन्स को ग्रांट देने के पहले किन किन विशेष बातों का ध्यान रखा जाता है ?

Dr. M. M. Das: The functions of the Welfare Board are to improve the welfare of children, welfare of women, welfare of juvenile delinquents and physically disabled persons. These are the things which are taken into consideration before sanctioning any grants.

Shrimati Renu Chakravartty: May I know in what manner the Social Welfare Board was set up? Was it on the basis of nomination or was it on the basis of inviting names from the various women's organisations which work in the country?

Dr. M. M. Das: The Social Welfare Board is an autonomous organisation....

Mr. Speaker: How was the Board created, by nomination by the Government themselves or by.....

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): By nomination.

Shri Velayudhan: May I know whether many of the grants given to the institutions by the Social Welfare Board are actually given to those institutions which are beneficial to the middle-classes and upper middle classes?

Dr. M. M. Das: I cannot say whether they benefit a particular section of the community. But, I can say in general that they benefit the children, women, juvenile delinquents and physically disabled persons.

Shri Kelappan: May I know how many welfare centres applied for these grants?

Dr. M. M. Das: May I know whether he refers to this particular question about child welfare in U. P.?

Shri Kelappan: Yes.

Mr. Speaker: The question is with reference to the U.P.

Shri Kelappan: Six were granted. How many applied?

Dr. M. M. Das: There were seven applications in all. A Girls' school was not given any grant. That school has been given Rs. 3,000 as a grant in the current year.

दिवालिए घोषित किए गए बैंक

*६२०. **सेठ गोविन्द दास :** क्या वित्त मंत्री यह बताने की कृपा करेंगे कि जनवरी से जून १९५४ तक कितने बैंक दिवालिए घोषित किए गए ?

The Deputy Minister of Finance (Shri A. C. Guha): It is presumed that the information required is in respect of banks which have gone into liquidation. According to the information available with Government 5 banks were ordered to be wound up and 2 banks went into voluntary liquidation during the period January to June 1954.

सेठ गोविन्द दास : यह जो पांच बैंकों को बन्द करने का निश्चय हुआ और जो दो बैंक दिवालिये हो गए उसका क्या कारण था ?

Shri A. C. Guha: Of the five banks which have been wound up, four were wound up on the application of the creditors of those banks. Some of the creditors applied to the High Court and those banks were ordered to be wound up. One bank is to be converted into an apex co-operative bank. Before that, it has to be formally sent into liquidation. Then, it was reconverted into an apex bank. As to

the other banks which went into voluntary liquidation, it is difficult to say why they went into voluntary liquidation. Perhaps, the managing authorities found it difficult to carry on business and so they sent the companies into voluntary liquidation.

Shri T. K. Chaudhuri: In respect of how many of these banks which went into liquidation or were wound up, did the Reserve Bank issue prior notice to stop taking deposits?

Shri A. C. Guha: I think in the case of one bank only. The Reserve Bank inspected all these banks except one. All the other banks were inspected by the Reserve Bank.

Shri T. K. Chaudhuri: That is not the question. I wanted to know in respect of how many of these banks .....

Shri A. C. Guha: Only one bank: the Raichur Bank. I am not sure of other banks.

Mr. Speaker: I think these are private limited companies or public limited companies. I do not think it is the responsibility of the Government.

Shri T. K. Chaudhuri: No, under the Banking Companies Act it is the responsibility of the Reserve Bank and the Government.

DECLARATION OF ASSETS BY GOVERNMENT SERVANTS

*621. **Shri Dabhi:** Will the Minister of **Home Affairs** be pleased to refer to the reply to starred question No. 1362 asked on the 29th March, 1954 regarding declaration of assets by Government Servants and state:

(a) whether Government have now framed rules for the All-India Services as also for the Central Services; and

(b) if so, whether a copy thereof will be laid on the Table of the House?

The Deputy Minister of Home Affairs (Shri Datar): (a) and (b). The relevant rules for the All India Services are being finalised and will, it is hoped, be placed before Parliament as required by the All-India Services Act, 1951, within the next few days.

The rules for the Central Services will be framed after the All-India Services Rules are promulgated.

HINDI IN THE ARMY

*622. **Shri Krishnacharya Joshi:** Will the Minister of **Defence** be pleased to state the total number of military officers who have passed the Hindi examinations in 1953?

The Minister of Defence Organisation (Shri Tyagi): 1588 officers of the Armed Forces have passed the Hindi Examination in 1953.

श्री कृष्णाचार्य जोशी : क्या मैं जान सकता हूं कि जो हिन्दी सिखायी जाती हैं वह रोमन लिपि में सिखायी जाती हैं या देवनागरी लिपि में ?

श्री त्यागी : सन् १९५९ तक यह रोमन स्क्रिप्ट में सिखाई जाती थी लेकिन उसके बाद देवनागरी लिपि में कर दी गई हैं, और १८ महीने के अन्दर अन्दर आर्मी के सारे जवान देवनागरी लिपि जान गए हैं ।

श्री कृष्णाचार्य जोशी : क्या मैं जान सकता हूं कि हिन्दी जानने वाले अफसरों का क्या परसेंटेज हैं ?

श्री त्यागी : आर्मी में जितने अफसर हिन्दी जानने वाले हैं उनका परसेंटेज ६५ हैं ।

श्री कृष्णाचार्य जोशी : क्या मैं जान सकता हूं कि टैकनिकल शब्दों के लिये पर्यायवाची हिन्दी शब्द तैयार कर दिये गए हैं ?

श्री त्यागी : अभी हाल में इसके लिये आज्ञा जारी की गई हैं । आर्मी में जो पेरेड वगैरह के अन्दर शब्द इस्तेमाल किये जाते हैं उनका भी हिन्दी तर्जुमा किया जा रहा हैं और बहुत जल्दी वर्ड्स आफ कमांड भी हिन्दी में दिये जायेंगे और मिलिटरी के टैकनिकल टर्म्स का तर्जुमा हो रहा हैं । और बाकी काम बोर्ड आफ साइंटिफिक टरमिनालाजी की एक्सपर्ट कमेटी के सुपुर्द किया गया हैं ।

सेठ गोविन्द दास : जो फौज के अफसरों को हिन्दी पढ़ाई जा रही हैं उनको कौनसा पाठ्यक्रम पढ़ाया जा रहा हैं ? और क्या इस

बात का ख्याल रखा जा रहा है कि "विचबिन्दी खोली" और "पहलुआ" जैसे शब्द उस पाठ्यक्रम में न हों ?

श्री त्यागी : मैं नहीं समझ सका कि इस "विचबिन्दी वगैरह" का क्या मतलब है । लेकिन जो पाठ्यक्रम हिन्दी के छोटे स्कूलों में है वही मिलिटरी मैन के लिए रखा गया है ।

HEALTH CENTRE IN DELHI UNIVERSITY

*623. **Sardar Hukam Singh:** Will the Minister of **Education** be pleased to state:

(a) whether the World University Service has agreed to contribute some amount for the opening of a health centre in the Delhi University Campus under a Subsidised Medical Aid Scheme for teachers and students;

(b) what will be the contribution of the Government of India; and

(c) the other places where the World University Service has assisted in the opening of such centres in India?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Yes.

(b) Rupees 17,000/- already sanctioned for current expenditure for the year 1954-55. Nonrecurring expenditure is under consideration.

(c) There is a proposal under consideration for starting a Students' Health Centre in the Patna University.

Sardar Hukam Singh: What is the contribution that the teachers and the students have to make for this scheme?

Dr. M. M. Das: It has been proposed that the health centre will charge the following rate of contribution from the participants in the scheme:

Resident students—Rs. 6 per head per annum.

Non-resident students—Rs. 2 per head per annum.

Class IV servants—Annas eight per head per month.

Other members of the staff—Not yet decided.

Dr. Rama Rao: May I know the nature of the services that will be offered in these health centres?

Dr. M. M. Das: Medical facilities will be offered to the participants.

Shri Raghavaiah: What are the countries that have contributed to this World University Service?

Dr. M. M. Das: I require notice.

Shrimati Renu Chakravartty: What is this World University Service? Is it part of the United Nations, or what is it? And how did this body come into existence?

Dr. M. M. Das: It is an organisation, I think, under the UNESCO.

HOSTELS

*626. **Dr. Ram Subhag Singh:** Will the Minister of **Education** be pleased to state:

(a) whether Government propose to give aid to various universities for the construction of hostels;

(b) if so, whether any aid had been sanctioned for this purpose during 1953-54; and

(c) if so, to which university and to what extent?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) to (c). A general scheme for this purpose is under consideration. Loans has been given to the following university departments of Engineering and Technology for construction of hostels during 1953-54:—

Name of University	Amount
1 Banaras Hindu University (College of Technology and Pharmaceutics)	Rs. 1,11,000
2. Annamalai University (College of Engineering).	Rs. 1,00,000

Dr. Ram Subhag Singh: Since when are these schemes under consideration, and when is the consideration likely to be over—whether it will be over this year or not?

Dr. M. M. Das: As the hon. Member will see, the grants that have been given to these two Universities, *viz.*, Banaras Hindu University and Annamalai University, are practically a continuation of the old scheme under which interest-free loans are given to different universities and different technological and engineering institutions in the country under the scheme of the Indian Council of Technical Education.

Dr. Ram Subhag Singh: From the reply of the Parliamentary Secretary it appears that the Government is thinking of a scheme which is intended to advance loans for constructing hostels in different universities of the country. But the reply just now given does not indicate that the Government is considering such a scheme. May I know whether the Government can categorically say whether it is under the contemplation of the Government to advance any loan to universities for constructing hostels during this year or the coming year?

Dr. M. M. Das: The Universities Survey Commission has made a recommendation to the Government to give Rs. 2 lakhs to each university every year during the coming five years for construction of hostels. This recommendation is under the consideration of the Government.

Shri Thimmaiah: May I know whether this applies uniformly to all the universities in the country or only to such universities as ask for the aid?

Dr. M. M. Das: The loans that have been already given were recommended by the All India Council of Technical Education and under the five years scheme for the development of technical education in the country. And so far as this scheme which has been recommended by the Universities Survey Commission is concerned, as I have said it is under the consideration of the Government, and that has been recommended to be applied to every university.

Shrimati Renu Chakravartty: The hon. Parliamentary Secretary has only given us the figures of the payments which have been given from the Council of Technological Studies. But, has the Ministry made any assessment, about the needs of hostel accommodation on a general level in all the universities?

Dr. M. M. Das: That assessment has been made, I think, by the Radhakrishnan Commission and the Universities Survey Committee appointed at the instance of the Central Advisory Board of Education, and this Universities Survey Commission has recommended to the Government to provide for loan for the construction of hostels. This recommendation is under the consideration of the Government.

Some Hon. Members *rose*—

Mr. Speaker: Next question.

INDIAN STUDENTS STUDYING ABROAD

*628. **Shri Jhulan Sinha:** Will the Minister of **Education** be pleased to state:

(a) the total amount of financial assistance on loan basis given to the Indian students under the 'Partial Financial Assistance Scheme' for studies abroad during the last two years; and

(b) the total amount recovered out of such loans?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Rs. 62,563/-, during 1952-53 and 1953-54.

(b) Rs. 10,639/-.

Shri Jhulan Sinha: What is the method adopted for recovering this loan, moral, legal or what?

Dr. M. M. Das: There are three types of loans. One kind of loan is given to students who are stranded due to unforeseen circumstances of

their guardians regarding financial condition. There is a second kind of loan which is given under emergency power of our foreign missions where Indian students suddenly find themselves stranded due to want of money. And thirdly, this scheme has been extended to another group of scholars who secure scholarships and fellowships in other countries due to their own merit but those scholarships which are given to them do not include passage money. So, according to this scheme that passage money is given to them by way of loan recoverable in instalments with interest.

Shri Jhulan Sinha: What I wanted to know was the method of recovery, whether it is legal pressure or moral pressure or voluntary repayment?

Dr. M. M. Das: These loans are required to be recovered six months after the return of the candidate to India. The local Accountant-Generals are asked to recover the money. They are recovered in monthly instalments.

Shri N. L. Joshi: May I know if any interest is charged on the loans? If so, what is the percentage?

Dr. M. M. Das: If the scholar makes his payment within three years, then the rate of interest is 3-3/4 per cent. and if he continues to pay the instalments beyond three years, then it is 4-1/2 per cent.

FLYING SAUCER

*629. **Shri Raghuramaiah:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether it is a fact that a flying saucer was reported to have been seen over Delhi on the night of the 24th August, 1954; and

(b) if so, whether any details of the same are available?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) and (b). Beyond the Press report Government have no information on the subject.

CANTONMENT CINEMAS

*633. **Dr. Ram Subhag Singh:** Will the Minister of **Defence** be pleased to state:

(a) whether Government propose to take over the management of Cantonment cinemas from the civilian hands, and

(b) if so, the total number of such cinema houses whose management is to be taken over by Government?

The Deputy Minister of Defence (Sardar Majithia): (a) The management of Garrison cinemas is being taken over by the Canteen Stores Department (India) and not by the Government of India

(b) The total number of cinemas to be taken over by the Canteen Stores Department is 48. Only 8 of them will, however, be taken over in the first instance.

Dr. Ram Subhag Singh: May I know whether the Canteen Stores Department of these cantonments will be able to run the cinemas more efficiently?

Sardar Majithia: As the hon. Member knows, by taking over these 48 cinemas it would be one of the largest distributing units and therefore it is hoped that it will run it not only more efficiently, but a bit cheaper too.

श्री भक्त दर्शन : क्या मैं जान सकता हूं कि यह जो सिनेमा लिये जा रहे हैं वह पूरी कीमत पर खरीदे जा रहे हैं या लीज या पट्टे पर लिये जा रहे हैं ?

Sardar Majithia: These cinemas belong to the Defence Department, and they will be taken over by the Canteen Stores Department on lease on the normal terms.

Shri Matthen: May I know the relationship between the Canteen Stores Department and the Defence Department?

Sardar Majithia: The Canteen Stores Department is a commercial concern under the control of the Defence Department.

Shri Matthen: What is the nature of the control? Is it a purely private thing?

Sardar Majithia: It is not a private thing. It is run from non-governmental funds and I said it is a commercial concern. The Board of Directors run it, and the Defence Department, of course, naturally controls it.

Shri Raghavaiah *rose*—

Mr. Speaker: The Question List, and the Question Hour are over.

WRITTEN ANSWERS TO QUESTIONS

उस्मानिया विश्वविद्यालय

*५१६ **श्री ए म० एल० द्विवेदी:** क्या राज्य मंत्री ३ मई, १९५४ को पूछे गए तारांकित प्रश्न संख्या २१९१ के उत्तर के सम्बन्ध में यह बतान की कृपा करेंगे कि :

(क) उस्मानिया विश्वविद्यालय को केन्द्रीय सरकार के नियंत्रण में लाने के सम्बन्ध में अब तक क्या प्रगति हुई है; और

(ख) इस विश्वविद्यालय को कितनी वित्तीय सहायता देने का विचार है ?

The Minister of Home Affairs and States (Dr. Katju): (a) The Educational Experts Committee under the chairmanship of Dr. Zakir Hussain met on the 3rd July 1954 and decided procedural matters. They have issued a questionnaire to several literary associations and Educationists and replies received are being collated.

(b) Does not arise at present.

Survey of Mineral Deposits

*578. **Shri H. N. Mukerjee:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether Government are preparing any scheme to draw up a programme for the survey of mineral deposits in the various parts of the country;

(b) if so, the details of the scheme; and

(c) whether State Governments also have been consulted in regard to this Scheme?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) and (b). Yes, Sir. Details of the scheme are being worked out.

(c) Yes, Sir.

Domicile Rules

*580. **Shri S. N. Das:** Will the Minister of **Home Affairs** be pleased to state

(a) whether the framing of uniform domicile rules for all the States in the Union has been finalised by Government; and

(b) if so, the date when they would be made applicable?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). I presume that the hon'ble member is referring to requirements as to residence which might be prescribed for the services under the various States by an Act of Parliament under article 16(3) of the Constitution. The question of framing the necessary legislation has been under consideration in consultation with the State Governments.

M. T. Drivers

*585. **Shri Nambiar:** Will the Minister of **Defence** be pleased to refer to the reply given to unstarred question No. 595 on the 22nd December, 1953 and state:

(a) whether any decision has since been arrived at regarding the enhancement of the personal pay of M.T Drivers of the Indian Navy at Bombay from Rs. 5 to Rs. 25 p.m.; and

(b) if so, whether they will be paid with retrospective effect?

The Deputy Minister of Defence (Shri Satish Chandra): (a) Yes, it has been decided that the M.T. Drivers of the Indian Navy at Bombay (not

being eligible for increased personal pay) will continue to receive Rs. 162/8/- per month which comprises of:

Rs. 75/- as pay.

Rs. 25/- as Dearness pay.

Rs. 25/- as Dearness Allowance.

Rs. 20/- House Rent Allowance.

Rs. 12/8 Compensatory (city) Allowance.

and Rs. 5/- as personal pay.

(b) Does not arise.

RESEARCH SCHOLARS

*588. **Shri S. C. Singhal:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) the number of research workers in the National Laboratories under the Council of Scientific and Industrial Research; and

(b) the procedure adopted for the approval of their researches?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) 652.

(b) Research proposals or the schemes submitted by the Research Workers are referred to Expert Committees of the Council. They are then placed before the Board of Scientific and Industrial Research along with the opinion of the Expert Committees.

The recommendations of the Board are then placed before the Governing Body of the Council which usually accepts the recommendations of the Board as regards funds to be provided and other conditions that may be attached for the grant of funds.

MODERNISATION OF INSPECTION METHODS

*590. **Ch. Raghubir Singh:** Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that a team of two technical officers has been sent abroad to study the modern system of Inspection Methods;

(b) if so, the names of those officers and the countries which they have visited so far; and

(c) the estimated expenditure incurred on them so far?

The Deputy Minister of Defence (Shri Satish Chandra): (a) Yes, a team of two military technical officers was sent abroad in November, 1953 for six months to study modern Inspection Methods.

(b) The officers deputed were—

(i) Col. J. R. Samson, Engrs.

(ii) Lt. Col. R. B. Ghose, Arty.

They visited United Kingdom, Switzerland and Sweden. In addition, Col. J. R. Samson also visited Belgium. Both these officers are now back in India.

(c) The expenditure incurred was about Rs. 14,000/-.

GRANTS AND LOANS TO STATE GOVERNMENTS

*595. **Pandit Munishwar Datt Upadhyay:** Will the Minister of **Finance** be pleased to state:

(a) by what time the State Governments are required to submit their schemes and demands for grants and loans from the Central Government;

(b) the time generally taken by the Central Government to dispose of such requests from States;

(c) the schemes or requests for grants or loans from the States which remained pending with the Central Government for over six months during the last three years; and

(d) the schemes of the U.P. Government for grants and loans which are at present pending with the Government of India and by what time they are likely to be sanctioned?

The Minister of Finance (Shri C. D. Deshmukh): (a) Specific dates for the receipt from State Governments of their schemes and demands for grants and loans have been fixed only in respect of certain schemes. These

are given in a statement laid on the Table. [*See* Appendix IV, annexure No. 25.]

(b) The time taken depends on the nature of the proposals and the adequacy of the details furnished. It is not possible to say what the average time taken is.

(c) Particulars are being collected from individual Ministries and will be laid on the Table early.

(d) A Statement of outstanding requests from Uttar Pradesh is laid on the Table. [*See* Appendix IV, annexure No. 25.] All of these are in various stages of consideration and it is not possible to say when they are likely to be sanctioned. Every effort will be made to expedite the sanction.

ART AND CULTURE

*596. **Shri Lakshmidhar Jena:** Will the Minister of **Education** be pleased to state:

(a) the amount of money allotted during the years 1953-54 and 1954-55 for the development of Art and Culture in India; and

(b) the amount paid to the State of Orissa in these years?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) Rs. 26,87,000/- for 1953-54 and Rs. 42,37,400/- for 1954-55.

(b) Nil.

MANGANESE (PRICE)

*597. **Shri S. C. Samanta:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether it is a fact that the price of manganese has registered a fall and is now fluctuating between Rs. 80/- and Rs. 90/- per ton; and

(b) if so, what are the main reasons for the decline of prices?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) Yes, Sir.

(b) The main reasons for the decline of prices are:—

(i) contraction of demand due to the cessation of U.S. Stockpiling programme:

(ii) gradual emergence of Brazil as a competitor in this commodity; and

(iii) reported re-entry of Russia into the export market.

SCHOLARSHIPS BY FRENCH GOVERNMENT

*598. **Shri Bahadur Singh:** Will the Minister of **Education** be pleased to state:

(a) whether the Government of France awarded any scholarships to Indian nationals this year also for study in France; and

(b) if so, what was the number of scholarships and how the candidates were selected?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) Yes, Sir.

(b) 12 fresh awards and 21 renewals. Candidates were screened by a Selection Board constituted by the French Embassy in India in consultation with the Ministry of Education. Final acceptance of the candidates recommended rested with the Government of France. Renewals were made by the French Government direct.

भिक्षा वृत्ति को समाप्त करना

*५९९. **श्री मगन लाल बागड़ी:** क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या केन्द्रीय समाज कल्याण बोर्ड भिक्षा वृत्ति को समाप्त करने के प्रश्न पर विचार कर रहा है ;

(ख) यदि सरकार ने इस सम्बन्ध में कोई योजना बनाई है; और

(ग) समाज कल्याण बोर्ड ने इस सम्बन्ध में प्रत्येक राज्य को कितनी वित्तीय सहायता दी है ?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) No.

(b) and (c). Do not arise.

EXPLORATION OF IRON ORE

*600. **Shri Balakrishnan:** Will the **Minister of Natural Resources and Scientific Research** be pleased to state:

(a) whether as a result of the decisions taken at the Bangalore Conference, intensive exploration of iron and allied ores has been made by the Geological Survey of India in South India; and

(b) if so, with what results?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) and (b). The Bangalore conference only made recommendations. Government's decisions on them will soon be taken and implemented.

FEATHERS (SMUGGLING)

*601. **Shri Raghunath Singh:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that large scale smuggling of feathers of Indian wild birds is being carried on through the French and Portuguese possessions in India; and

(b) if so, what steps are being taken by Government to stop the said smuggling of feathers?

The Deputy Minister of Finance (Shri A. C. Guha): (a) The information available with Government indicates that such smuggling is on a negligible scale.

(b) In view of the reply to part (a), no special steps have been considered necessary in respect of feathers. However, Customs control over movement of persons and goods across the frontiers with the French and Portuguese possessions has been continually tightened up in recent years.

FUNDAMENTAL RESEARCH

*603. **Dr. Satyawadi:** Will the **Minister of Education** be pleased to state:

(a) the number of cases in which grant-in-aid were given (subject-wise) for research work in fundamental research in 1953-54; and

(b) the total amount of grants given during the same period?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) and (b). A statement is laid on the Table of the House. [*See* **Appendix IV, annexure No. 26.**]

CO-OPERATIVE SOCIETY IN TRIPURA

*604. **Shri Biren Dutt:** Will the Minister of **States** be pleased to state:

(a) whether any grant has been given to any co-operative society in Tripura; and

(b) if so, the purpose for which this money has been given?

The Minister of Home Affairs and States (Dr. Katju): (a) None, so far.

(b) Does not arise.

भारतीय कला प्रदर्शनी

*६१०. **श्री आर० एस० तिवारी:** क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५३ और १९५४ में अब तक किन किन देशों में भारतीय कला प्रदर्शनियाँ हुई हैं; और

(ख) इन प्रदर्शनियों में कितनी सफलता मिली है ?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) U.S.A., Canada U.S.S.R., Poland and Germany during 1953 and Argentina, Indonesia, China, Brazil and Venice during 1954.

(b) They helped in promoting cultural relations with the countries concerned and in stimulating interest in those countries in Indian art.

UNTOUCHABILITY

***616. Shri N. A. Borkar:** Will the Minister of **Home Affairs** be pleased to state:

(a) the amount actually spent so far on the removal of untouchability in the Madhya Pradesh State out of the amount allotted by the Government of India for this purpose; and

(b) whether any report regarding the work done has been received by Government?

The Deputy Minister of Home Affairs (Shri Datar): (a) and (b). The State Government have intimated that they have spent Rs. 5,133/- out of the grant paid by the Government of India during the financial year 1953-54 which was the 1st year when Central grants were made. The amount actually sanctioned by the Government of India was, however Rs. 45,200/- on the basis of total estimated expenditure at that time. This year a ceiling of Rs. 2.10 lakhs has been allotted to the Madhya Pradesh Government out of which a sum of Rs. 1·5 lakhs has already been placed at their disposal. A report on the work done by the State Government and the amount actually spent out of the fund sanctioned during this year is awaited.

UNIVERSITY GRANTS COMMISSION

***617. Lala Achint Ram:** Will the Minister of **Education** be pleased to state the amount of money which the University Grants Commission has received in 1953-54 and in 1954-55, from the Government of India?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): The amounts are:

(i) 1953-54	Rs. 86,44,346/-/-.
(ii) 1954-55 (to-date)	Rs. 30,29,051/14/3.

RETRENCHMENT IN ORDNANCE DEPOTS

***618. Shri A. K. Gopalan:** Will the Minister of **Defence** be pleased to state:

(a) whether there has been or is likely to be any retrenchment in the Ordnance Depot establishments during 1954-55;

(b) if so, what is the number of workers retrenched in each Depot, trade-wise;

(c) the reasons for the retrenchment; and

(d) the steps taken to provide alternative employment to the retrenched staff and the number of workers so provided?

The Deputy Minister of Defence (Shri Satish Chandra): (a) and (b). A statement is laid on the Table of the Lok Sabha. [*See* Appendix IV, annexure No. 27.]

(c) The main reasons for retrenchment are reduction of workload, disbandment of Depots and replacement of civilians employed in lieu of combatants on the latter being available.

(d) The Ministry of Defence has a scheme whereby personnel rendered surplus in one Defence installation are adjusted against deficiencies in other Defence establishments. Every effort is made to provide alternative employment to the personnel who are rendered surplus, and only those personnel for whom no alternative employment can be found are actually retrenched. Out of the 857 persons retrenched, 511 have been provided with alternative jobs.

EDUCATIONAL SEMINAR

***619. Shri S. N. Das:** Will the Minister of **Education** be pleased to state:

(a) the number of Government sponsored regional educational seminars under the Ford Foundation Scheme held so far;

(b) the nature of subjects discussed in these seminars;

(c) the important recommendations made to Government by these seminars: and

(d) the steps, if any, taken to give effect to these recommendations?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) Four at Coonoor, Darjeeling, Mussoorie and Srinagar.

(b) The purpose of the Seminars was mainly exchange of experiences, ideas and suggestions regarding the various problems in connection with Secondary Education and its improvement, keeping in view the recommendations of the Secondary Education Commission and reports of the Secondary Education International Team and the All India Headmasters Seminar held last year at Taradevi.

(c) Final recommendations—which are in the nature of detailed implementation measures—from the Directors of the Seminars, are awaited.

(d) Does not arise.

THE INDIAN CIVIL ADMINISTRATIVE (CENTRAL) CADRE SCHEME

*624. **Ch. Raghubir Singh:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the selection of personnel for the Central Cadre is entrusted to the Central Establishment Board;

(b) if so, whether the Board has completed its list of I.A.S. and I.P.S.; and

(c) whether the Board will recruit more officers to this cadre?

The Minister of Home Affairs and States (Dr. Katju): (a) to (c). It is not clear whether the Hon'ble Member has in mind the general arrangements for securing officers of the I.A.S. and I.P.S for manning posts under the Central Government on prescribed tenures or otherwise, or whether he intended to refer particularly to the implementation of the Indian Civil Administrative (Central) Cadre Scheme. Under that Scheme, the preliminary selection of personnel for appointment to the Central Cadre was to have been made by the Central Establishment Board in association with the Chairman of the Union Public Service Commission. That Scheme, is, however, under reconsideration and may be materially modified before it is implemented. Incidentally, that Scheme is not concerned with the I.P.S. at all.

2. The Central Establishment Board is a Committee of senior Secretaries presided over by the Cabinet Secretary. Its normal function is to advise the Central Government on the suitability of officers of the I.A.S. belonging to State Cadres for service under the Central Government and to make recommendations regarding their appointment to particular vacancies. The Board does not make any recruitment to any cadre.

INDIAN AIR FORCE

*625. **Shri S. C. Samanta:** Will the Minister of **Defence** be pleased to state:

(a) the progress made in I.A.F. training in recent years; and

(b) the number of Air Force Academies that have been started since August 1947?

The Deputy Minister of Defence (Sardar Majithia): (a) 5 Flying and 7 Ground Training establishments have been set up in the I.A.F. since the partition which provide for practically all the training courses required. Now only a small number of personnel, 3 to 5 per cent. of the total number to be trained, are sent overseas to undergo a few higher specialists courses.

(b) Three.

SILVER SMUGGLING

*627. **Shri Raghunath Singh:** Will the Minister of **Finance** be pleased to state the number of cases of smuggling of silver that were detected by Customs Officers on Indo-Pakistan border during the year 1954 so far?

The Deputy Minister of Finance (Shri A. C. Guha): The number of cases of smuggling of silver detected by the Customs authorities on the

Indo-Pakistan border during the year 1954 (up to end of July) is 221; this excludes figures of illicit exports from Calcutta which are not readily available.

NEW ORDNANCE FACTORY IN MADHYA PRADESH

*630. **Shri N. A. Borkar:** Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that the Government have decided to establish a new Ordnance Factory near Bhandara in Madhya Pradesh; and

(b) if so, when the actual work for its establishment will start?

The Deputy Minister of Defence (Shri Satish Chandra): (a) and (b). In connection with a proposal to set up a new Ordnance Factory several sites including one at Bhandara in Madhya Pradesh are being examined. No decision has, however, been taken so far either as regards the site or the date of commencement of the project.

EXPERT COMMITTEE (EXCISE)

*631. **Shri S. N. Das:** Will the Minister of **Finance** be pleased to refer to the answer to starred question No. 417 asked on the 2nd March, 1953 and state:

(a) whether the various State Governments have sent their reactions on the recommendation of the Expert Committee (Excise) and have given effect to those recommendations; and

(b) whether the proposal of formulating a legislation for fixation of uniform rates of duty on medicinal and toilet preparations containing alcohol has been finalised?

The Deputy Minister of Finance (Shri A. C. Guha): (a) Yes, Sir. The views of most of the State Governments on the recommendations of the Expert Committee (Excise) have been received and they have generally agreed to give effect to those recommendations.

(b) A Bill to provide for the levy of uniform rates of excise duty on medicinal and toilet preparations containing alcohol has almost been finalised and will be introduced during the current Session of Parliament.

EXCISE CONTROL OVER TOBACCO

*632. **Ch. Raghubir Singh:** Will the Minister of **Finance** be pleased to state:

(a) how far the scheme for the association of village officers with the existing system of excise control over tobacco growers introduced in certain selected districts of Western U.P. with effect from the 1st October, 1953, has been successful; and

(b) whether Government propose to extend this scheme to the other parts of the State as well?

The Deputy Minister of Finance (Shri A. C. Guha): (a) The scheme has just started working; it will naturally take sometime to set the necessary machinery in full working order in the rural areas. The experience of the short period is not discouraging. However, it is too early to express any definite opinion just now.

(b) The question of extension of the scheme will be considered when the experiment referred to in (a) has turned out to be a success.

SCHOLARSHIPS FOR STUDY ABROAD

275. **Dr. Satyawadi:** Will the Minister of **Education** be pleased to state:

(a) the number and amount of various stipends and scholarships given by the Government of India in 1953-54 to the Indian students for study in foreign countries and their subjects of study;

(b) the subjects for which stipends and scholarships were offered by the foreign countries to the Indian students during this period; and

(c) the subjects for which Harijan students were awarded scholarships for studies in foreign countries during the same period?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) *Number*—Two students under two Government of India Schemes.

Amount—£360 or £400 as maintenance allowance together with passage bothways and tuition fees in one case, and Rs. 100/- p.m. in the other case.

Subject—Orthopaedic Surgery in one case and Practical Training in Mines in the other.

(b) All Arts and Science subjects, Engineering, Technology, Textiles, Agriculture, Horticulture, Arid Zone Farming, Iron and Steel Industry, Light Machinery and Machine Tool Manufacturing, Art, Naval Architecture, Education, Social Service, Norwegian Language and Literature, Persian Language and Literature, Law, Medicine, Dental Hygiene.

(c) No Scheduled Caste student was awarded a scholarship for studies in foreign countries during 1953-54.

विदेशों में अध्ययन के लिए छात्रवृत्तियां

२७६. **डा० सत्यवादी** : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि १९५४-५५ में विदेशों में जाकर शिक्षा पाने के लिए प्रत्येक विषय के लिए भारत सरकार और विदेशी सरकारों ने कितनी कितनी छात्रवृत्तियां दीं, प्रत्येक छात्रवृत्ति की राशि क्या थी और यदि छात्रवृत्ति पाने वालों में अनुसूचित जातियों के लोग भी हैं तो उन की संख्या कितनी है ?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): A statement giving the information is laid on the Table of the House. [*See* Appendix IV, annexure No. 28.]

Indian Olympic Association

277. Shri V. P. Nayar: Will the Minister of **Education** be pleased to state :

(a) whether any amount was granted to the Indian Olympic Association to enable the Association to send a contingent to represent India in the Asian Games at Manila and the Empire Games at Vancouver;

(b) if so, how much; and

(c) how many first, second and third places were won by India's representatives in each of the above meets?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) Yes.

(b) Grant-in-aid for the Second Asian Games at Manila. Rs. 1,78,000.

Grant-in-aid for the Empire Games at vancouver Rs. 29,000.

(c) (i) According to the latest information received from Indian Olympic Association, Indian won the following positions in the Asian Games at Manila:—

First Position.	5
Second Position.	5
Third Position.	6

(ii) According to the information available, the Indian Contingent to the Empire Games at Vancouver did not succeed in winning a place in any event.

Athletics in India

278. Shri V. P. Nayar: Will the Minister of **Education** be pleased to state:

(a) whether Government have any scheme to raise the standard of Athletics in India; and

(b) if so, what are the details of such a scheme?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) and (b). A scheme is under consideration but has yet to be finalised.

Conference on Sports

279. Shri V. P. Nayar: Will the Minister of **Education** be pleased to lay on the Table of the House a copy of the proceedings of the conference on sports convened by his Ministry in August, 1954?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): The proceedings of the Conference have not yet been finalised.

GRANTS TO POETS AND WRITERS

280. Shri D. C. Sharma: Will the Minister of **Education** be pleased to state:

(a) the amounts of grants given to poets and writers of languages other than Hindi, English and Urdu and the duration for which these have been given or are being given; and

(b) the detailed figures of the amounts given every year upto 1953 language-wise?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 29.]

HINDUSTAN AIRCRAFT LTD.

281. Shri V. P. Nayar: Will the Minister of **Defence** be pleased to state:

(a) how much money has been spent on construction of workers' quarters for the Hindustan Aircraft Limited from June, 1949 to the 1st July, 1954; and

(b) how many such quarters have been completed and how many given over for occupation as on the 1st September, 1954?

The Deputy Minister of Defence (Shri Satish Chandra): (a) Rs. 8·50 lakhs.

(b) Total number of quarters completed during the period is 266. All the quarters have been given over for occupation.

SEIZURE OF GOLD

282. Sardar Hukam Singh: Will the Minister of **Finance** be pleased to state:

(a) whether about 1280 tolas of gold were seized by Calcutta Customs from a member of the crew of a ship on the 2nd June, 1954; and

(b) if so, whether that person was proceeded against and punished?

The Deputy Minister of Finance (Shri A. C. Guha): (a) 1283·30 tolas of gold were seized on the night of the 3rd June 1954 from one Chang Chin Eng, a Quartermaster of the s.s. "Taksang" by the officers of the Calcutta Customs Preventive Service.

(b) The gold was confiscated absolutely and a personal penalty of Rs. 25,000/- was imposed on the Quartermaster under the Sea Customs Act. The Quartermaster was also prosecuted under section 23(1) of the Foreign Exchange Regulation, Act, 1947. He pleaded guilty to the offence and was convicted and sentenced to 3 months' rigorous imprisonment and a fine of Rs. 5000/-, in default another term of 3 months rigorous imprisonment by the trying magistrate on 13th August 1954.

SOCIAL EDUCATION LITERATURE

284. Shri Krishnacharya Joshi: Will the Minister of **Education** be pleased to state how much amount has been spent so far on the publication of Social Education Literature?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): Rs. 2,90.000/- have been spent so far for publishing Social Education literature.

GOVERNMENT SERVANTS

285. Th. Lakshman Singh Charak: Will the Minister of **Home Affairs** be pleased to state:

(a) how many Central Government servants have been prosecuted under the Public Servant (Inquiries) Act, 1850 since 1947; and

(b) whether Government propose to lay on the Table of the House a statement showing the names of the persons and the particular years in which they were prosecuted?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). The Public Servants (Inquiries) Act does

not provide for "prosecution". Enquiries under the Act have been held since 1947 in respect of the following officers serving in connection with the affairs of the Union:—

Shri J. M. Lobo Prabhu	1949
Shri S. A. Venkataraman	1953

TAX-CLEARANCE CERTIFICATES

286. Ch. Raghubir Singh: Will the Minister of **Finance** be pleased to state:

(a) the number of **Tax-clearance** Certificates issued since the **23rd May, 1953;**

(b) how many of them were issued to foreigners and how many to Indians; and

(c) whether there is any case where a person has left without a **Tax-clearance Certificate?**

The Deputy Minister of Finance (Shri A. C. Guha): (a) 2,14,538 upto end of July 54.

(b) 73,984 were issued to foreigners and 1,40,554, to Indians.

(c) No information is available, as, at present, no certificate is required for travel by land.

FOREIGN CURRENCY

287. Shri Radha Raman: Will the Minister of **Finance** be pleased to state:

(a) what is the maximum amount of foreign currency which the Indian tourists going abroad are allowed to take with them; and

(b) the total sum thus allowed during the year 1953?

The Minister of Finance (Shri C. D. Deshmukh): (a) The scales of foreign exchange allowed to *tourists going abroad are as follows:—

Country to which travelling	Permissible exchange
(i) All countries except Tangier, Pakistan and Afghanistan and those stated in (ii), (iii) and (iv) below.	£600 per adult and £300 per child (under 16 years of age) available for the period of two years ending 31-12-1954 plus allowance for return fares.
(ii) The Continent of America (excluding Peru, Chile, Paraguay, Uruguay and Brazil), Philippine Islands.	Nil.
(iii) Peru, Chile, Paraguay, Uruguay, and Brazil.	Exchange is allowed on an *ad-hoc* basis.
(iv) Aden, Iran, Iraq, Persian Gulf Ports, Saudi Arabia, Ceylon, Burma, Malaya, Thailand, Indo-China, Republic of Indonesia and the Dutch New Guinea.	Rs. 2,000 per adult and Rs. 1,000 per child (under 16 years of age) once in two years plus allowance for return fares.

(b) Rs. 4,80,11,000.

INDIAN SHIPPING

288. Shri Raghunath Singh: Will the Minister of **Finance** be pleased to state the foreign exchange earned by Indian Shipping during 1952-53 and 1953-54 respectively?

The Minister of Finance (Shri C. D. Deshmukh): The net remittances made or received by Indian Steamship Companies through banks during 1952-53 and 1953-54 were as follows:

(In lakhs of Rs.)

	1952-53	1953-54
Freight and passage fare earnings.	4,52	3,43
Operating expenses of these Companies abroad.	2,01	1,45
NET EARNINGS	2,51	1,98

*Tourist for this purpose is taken to mean a traveller travelling for pleasure or personal convenience.

OPIUM SMUGGLING

289. Shri Raghunath Singh: Will the Minister of **Finance** be pleased to state:

(a) the number of cases of opium smuggling detected during the year 1953-54; and

(b) the number of cases that were challaned and which resulted in conviction?

The Deputy Minister of Finance (Shri A. C. Guha): (a) 5774 cases of opium smuggling were detected during the year 1953-54.

(b) Cases challaned:	5774
Cases resulting in conviction:	2886

OIL DEPOSITS

290. Dr. Ram Subhag Singh: Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether any prospecting has been made of the reported oil deposits in the Jaisalmer tract of Rajasthan; and

(b) if so, with what result?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) and (b). It is reported that the B.O.C. carried out ground mapping, gravity survey and seismic work in the neighbourhood of Jaisalmer during the period 1938 to 1948 and that the results obtained were regarded as uniformly discouraging.

INDIAN STUDENTS IN ENGLAND

291. Shri Gidwani: Will the Minister of **Education** be pleased to state:

(a) the number of Indian students in England at present;

(b) the average number of students who have been going there annually for higher education since 1948; and

(c) the educational courses that they have joined there?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) 1390 according to the latest report which is correct upto 31st March, 1954.

(b) About 360.

(c) A list of the courses is enclosed. [*See* Appendix IV, annexure No. 30.]

IRREGULARITIES IN STORES ACCOUNTS

293. Shri K. C. Sodhia: Will the Minister of **Defence** be pleased to state:

(a) the total number of cases of losses and irregularities in cash and store accounts prior to the 1st April, 1950 still lying undisposed of;

(b) the approximate amount involved in all such cases under (i) losses and (ii) irregularity in cash and store accounts; and

(c) by what time they are likely to be disposed of?

The Minister of Defence Organization (Shri Tyagi): (a) 1219 on the basis of accounts audited up to the end of July 1954.

(b) The effort involved in collecting this information is incommensurate with the results.

(c) Efforts are being made to dispose of such cases as expeditiously as possible, and it is hoped to dispose of most of them within the next six months.

MICA

294. Shri Balwant Sinha Mehta: Will the Minister of **Natural Resources and Scientific Research** be pleased to state the quantity of mica produced this year as compared to the last year?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): A statement showing the mica produced during 1953 is laid on the Table of the House. [*See* Appendix IV, annexure No. 31.] Information regarding the mica produced during 1954 is not yet due.

CO-OPERATIVE SOCIETIES OF HANDLOOM WEAVERS

295. **Th. Jugal Kishore Sinha:** Will the Minister of **Finance** be pleased to state the extent of help that has been given so far by the Reserve Bank of India for the development of Government approved schemes in respect of Co-operative Societies of handloom weavers?

The Deputy Minister of Finance (Shri A. C. Guha): The Reserve Bank sanctioned credit limits of Rs. 15 lakhs each to the Madras and Andhra State Co-operative Handloom Weavers' Societies during 1953-54 for the specific purpose of the purchase of yarn. The credit limits were fully availed of by both the societies. The same credit limits have been renewed by the Reserve Bank for the year 1954-55. No other state has applied to the Reserve Bank for similar help.

Government of India, however, placed Rs. 306 lakhs during 1953-54 at the disposal of the State Governments to be utilised as loans and grants for the development of handloom industry mainly through Co-operative Societies.

LOK SABHA

DEBATES

(Part II—Proceedings other than Questions and Answers)

VOLUME VI, 1954

(23rd August to 11th September, 1954)

Seventh Session

1954

LOK SABHA SECRETARIAT

NEW DELHI

LOK SABHA

Tuesday, 7th September, 1954

The Lok Sabha met at a Quarter Past Eight of the Clock

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

9-15 A.M.

PAPER LAID ON THE TABLE

DELIMITATION COMMISSION, FINAL ORDER NO. 15

The Minister of Law and Minority Affairs (Shri Biswas): I beg to lay on the Table a copy of the Delimitation Commission, India. Final order No. 15, dated the 24th August, 1954, under sub-section (2) of section 9 of the Delimitation Commission Act. 1952. [*Placed in Library. See* No. S-295-54.]

SPECIAL MARRIAGE BILL—*Contd.*

Mr. Speaker: The House will now proceed with the further consideration of the Bill to provide a special form of marriage in certain cases for the registration of such and certain other marriages, and for divorce, as passed by the Rajya Sabha.

Clause 4 is under consideration, and the House will now resume discussion on that clause. The following amendments were moved on the 2nd instant, namely, amendments Nos. 60, 61, 108, 109, 182, 227, 229, 294, 62, 112, 183, 30, 295, 2 and 113.

I would remind the House that, over this clause, and the amendments which I have just mentioned, the House has taken, up to now, four and a half hours. That means more than a working day. To be exact, it is 4 hours and 28 minutes.

I simply place this before the House, and would like hon. Members not to repeat the same arguments, though, of course, each one would like to give emphasis to the arguments by joining his voice in them. But there has to be some limit, though personally I am unwilling to have any limit on discussions in a matter of social legislation like this. But I find the same point is being repeated again and again. I would, therefore, request the Members to be short, and if there are two or three speakers, I would not mind it. Otherwise, I am afraid I shall have to accept closure now, if somebody moves it. But I would request hon. Members not to have a closure motion at least for half an hour or so. Let a few Members speak. Let there be discussion for about half an hour, and let each Member express his views in five or ten minutes, so that two or three more speakers could be accommodated. I do not think anything further is possible in a House of 399 or 350 Members present, to give a chance

[Mr. Speaker]

to everyone. There must be some time-limit.

Shri T. B. Vittal Rao (Khammam): I would like to know the number of hours allotted for this Bill. It was said by somebody that it is sixteen hours and by some others, twenty-eight hours and so on.

Mr. Speaker: That is yet under discussion. The Business Advisory Committee has not come to any final conclusions yet. It requires some further consideration, and it has called for certain further information. The Committee has also to consider the question of the House sitting for longer hours. Incidentally, that might involve the question as to the timings of the sitting. That has to be considered, and after that is considered, the Business Advisory Committee is meeting tomorrow, and I hope, by that time, it will be possible for the Committee to settle the whole programme for the remaining period of this session. So, that is one part, and I shall be able to make an announcement either tomorrow or the day after. But I am not disclosing anything very private, when I say that the Business Advisory Committee have provisionally allotted about twenty-eight hours in all for the entire discussion of the clause by clause stage, including the time taken yesterday. In other words, it will be twenty-eight hours from yesterday, and not from the time the Business Advisory Committee meets and decides. The decision will be retrospective, and it will be in operation from the time taken since yesterday. It has considered all the possible aspects that are likely to be discussed and require a discussion, and then come to this conclusion, but it is a provisional one and not final. In view of the special programme before the House, the Business Advisory Committee may as well curtail these twenty-eight hours into something else —I cannot say into how many, but it may curtail that. So, the discussion may go on from that point of view.

Clause 4.—(*Conditions relating to solemnization of special marriages*).

श्री भूनभूनवाला (भागलपुर मध्य) : स्पीकर साहब, यह जो स्पेशल मैरेज बिल आज लोक सभा में चल रहा है, वह पहले ही राज्य सभा में पास हो चुका है। यह समझा जाता है कि राज्य सभा में जो सदस्य बैठते हैं, उन को विशेष अनुभव है। और विशेष अनुभव रखते हुए उन्होंने यह सिफारिश की है कि लड़की और लड़के दोनों की उम्र २१ साल की होनी चाहिये। यह उन्होंने खास कर इस दृष्टि से रक्खा है कि यह स्पेशल मैरेज एक्ट बन रहा है और इसलिये इस में खास तौर से उम्र का स्पेशल प्राविजन होना चाहिये।

[SHRI PATASKAR *in the Chair*]

अन्य रीति से जो विवाह होते हैं उन में कितनी उम्र होनी चाहिये, यह एक दूसरा प्रश्न है, परन्तु इस में कितनी होनी चाहिये इस के लिये यह खास प्राविजन इस में रखे गये हैं। इसलिये उन लोगों ने जो कि बड़े अनुभवी हैं, बहुत सोच विचार कर के २१, २१ साल की उम्र रखी है।

कल यहां जो बहस हो रही थी उस में जो आर्थोडाक्स टाइप के लोग हैं वे कहा रहे थे कि १३, १४, या १५ साल की उम्र में विवाह होना चाहिये। परन्तु हमारे चटर्जी साहब ने यहां पर २५ साल की उम्र रखी है। मेरी समझ में उन्होंने भी यही सोच कर के रखा है कि चूंकि यह स्पेशल मैरेज बिल है हमारे लड़के लड़कियों को इस में बहुत गम्भीरता से सोच समझ कर पड़ना चाहिये। लेकिन हमारे श्री मोरे की जो कल की बहस थी उस को सुन कर मैं हैरान था। उन का कहना था कि जिस प्रकार से बाजार में कोई चीज खरीदने के लिये कोई आदमी जाता है और वहां पर ठगाई हो जाती है। एक दो बार उस की ठगाई हुई, तीसरी बार फिर ठगाई हो गई। फिर अनुभव से सुधर जाता है मैं मोरे साहब से यह पूछना चाहता हूं कि क्या उन्होंने अपने मन में यह बात धारण कर ली है कि विवाह में भी और सब

मैटर में भी इस प्रकार के एक्सपेरिमेन्ट होते चलें कि आज एक को लिया, कल दूसरे को लिया और कल तीसरे को लिया। यह तो बहुत गलत बात होगी।

सरदार हुक्म सिंह (कपूरथला-भटिंडा): उन के साथ ठगाई हो चुकी है।

श्री झुनझुनवाला: वह बड़े अनुभवी हैं, और मैं कहना चाहता हूं कि उन के प्रति मेरी श्रद्धा है, परन्तु इस प्रकार की जो रीति वह जारी करना चाहते हैं वह बड़ी भयानक रीति है। मैं समझता हूं कि उन को तो विशेषकर कोई शादी अब करनी नहीं है, अगर उन को शादी करनी होती तो मैं उन को बताता कि इस में क्या दिक्कतें हैं।

Shri N. C. Chatterjee (Hooghly): On a point of information. He has promised us a dinner, when he registers his marriage under this Act.

Shri S. S. More (Sholapur): I refute the suggestion.

Shri N. C. Chatterjee: You are going back on your promise.

श्री झुनझुनवाला: मुझे बड़ी खुशी है कि जो कुछ मैं ने कहा था वह ठीक है। उन को तो अब विवाह करना नहीं है। आप इस वक्त जो कुछ कर रहे हैं वह उन के लिये कर रहे हैं जो होनहार यात्री लोग हैं। आप उन के साथ लव मैटर में इस तरह से खिलवाड़ करना चाहते हैं। इस तरह से तो आज एक शादी होगी, कल दूसरी होगी और परसों तीसरी होगी। यह तो इसी तरह से हो गया कि हम एक फुटबाल खरीदने के लिये गये, उस के लिये हम को ५ रुपये देने पड़े, दूसरी दफा ७ रुपये देने पड़े और ठगाई हो गई। इसी तरह से हमारे मोर साहब ने शादी की ठगाई को भी मान लिया है और कहते हैं इस में कोई हर्ज नहीं। मेरी समझ में इस प्रकार का दृष्टिकोण रखना बहुत ही भयानक है। यदि अच्छी तरह से सोच विचार किया जाय तो लड़की की उम्र १६ साल से अधिक नहीं होनी चाहिये। परन्तु यह स्पेशल मैरिज बिल है और इसमें जिस तरह के प्रावीजन रखे गये हैं उनको देखते हुए तो बड़ी उम्र ही रखनी चाहिये, ऐसी सभी लोगों की राय है।

Shri S. S. More: Let us have it at 60.

श्री झुनझुनवाला: मोर साहब कहते हैं ६०। तो मैं उनसे कहूंगा कि उनको तो शादी करनी नहीं है। ऐसा करने से जो और लोग शादी करना चाहेंगे उनको दिक्कत हो जायगी। तो वह ऐसे स्वार्थी क्यों बनते हैं। श्रीमती अम्मू स्वामीनाथन ने कहा कि जो आर्थोडाक्स लोग हैं वे शादी की कम उम्र के पक्ष में हैं लेकिन यहां वे लोग १८ साल का भी विरोध करते हैं। तो मैं यह कहता हूं कि चूंकि यह स्पेशल मैरिज बिल है इसलिये यदि इस में २१ साल की उम्र रखी जाये तो कोई गलत बात नहीं है। अगर यह और तरह के विवाहों के लिए रखी जाय तो उस पर तो विचार किया जा सकता है। अगर कोई लड़का या लड़की चाहती है कि कम उम्र में विवाह कर लें तो उनके लिए दूसरे फार्म आफ मैरिज हैं। और फिर इसमें उनको अधिकार दिया गया है कि अगर बाद में वह चाहें तो डाइवोर्स कर सकते हैं। जो जल्दी शादी करना चाहते हैं वह दूसरे फार्म आफ मैरिज में शादी कर लें और फिर अगर डाइवोर्स करना चाहें तो मोर साहब से सलाह लेलें और अगर वह समझते हैं कि उनसे गलती हुई तो वे दूसरी मैरिज कर सकते हैं।

डा० राम सुभग सिंह (शाहाबाद---दक्षिण): सभापति जी, मैं इस विधेयक को दो दृष्टियों से देखता हूं। एक तो यह कि क्या इसको विशेष विवाहों के लिये लागू किया जाय, और दूसरा यह कि क्या इसको अन्य प्रकार के विवाहों के लिये भी लागू किया जाय। अगर आप यह चाहते हैं कि इसको सब प्रकार के विवाहों में लागू किया जाय तो मैं चाहूंगा कि लड़की की उम्र को घटा कर १६ कर दिया जाय और लड़के की उम्र को घटा कर १८ कर दिया जाय। लेकिन यदि इसका उद्देश्य यह नहीं है और

[डा० राम सुभग सिंह]

इसका उद्देश्य केवल विशेष विवाहों के लिये हैं तो मैं नहीं समझता कि उम्र को बहुत कम रखा जाय । इसका कारण यह हैं कि विशेष विवाह विशेष अवस्थाओं में होता हैं और उस विशेष अवस्था पर ध्यान देना चाहिये । मैं समझता हूं कि वह अवस्था ऐसी होनी चाहिये जिसमें कि लड़का और लड़की दोनों अपनी स्थिति को संभालने लायक हों । आज जो देश की स्थिति हैं उसमें कोई भी लड़का २१ बरस से कम की अवस्था में अपनी स्थिति को संभालने योग्य नहीं होता हैं । यह कहा जा सकता हैं कि १४ या १५ वर्ष की अवस्था में भी लड़के अपनी स्थिति संभालने लायक हो जाते हैं । लेकिन मेरा निजी अनुभव बताता हैं कि इसके लिये कम से कम २१ या २२ वर्ष की अवस्था होनी जरूरी हैं । लेकिन लड़कियों के लिए २१ से कम की अवस्था रखनी चाहिये । और उसके लिये मैं सुझाव दूंगा कि १६ के बजाय १८ रखा जाय । मैं समझता हूं कि यह सबको मान लेनी चाहिये और इस व्यर्थ के झगड़े में हमको नहीं पड़ना चाहिये । इसके लिए मैं चाहूंगा कि सरकार को जरा हिम्मत से काम लेना चाहिए । देश में हिन्दुओं की विवाह पद्धति, मुसलमानों की विवाह पद्धति, ईसाइयों की विवाह पद्धति वगैरह वगैरह जारी हैं । तो मैं सुझाव देता हूं कि सरकार जरा हिम्मत से काम ले और एक ऐसा बिल लाये जो सब पर लागू हो सके और इस पार्लियामेंट पर छोड़ दे कि वह उसको जैसा बनाना चाहे बनावे । या अगर सरकार चाहे तो इसी बिल को वैसा बना दे । मुझे इससे कोई झगड़ा नहीं हैं । आप इसी बिल को ऐसा कर दीजिये कि यह सब विवाहों पर लागू हो और सब विवाह पद्धतियों को खत्म कर दिया जाय । अगर सरकार ऐसा करना चाहती हैं तो लड़की की उम्र १५ या १६ वर्ष रखे और लड़के की १८ वर्ष जैसा कि हिन्दू डाइवोर्स एंड मैरिज बिल में हैं या जैसा कि शारदा एक्ट में हैं । इससे हर आदमी को लाभ होगा क्योंकि विवाह के मामले में हर आदमी कठिनाई महसूस करता हैं । अगर इस तरह का कानून पास हो जाय तो लड़की के विवाह में तिलक देने और लड़की के लिये लड़का खोजने की कठिनाइयां दूर हो जायं । अभी तो विवाह धनी लोगों की चीज हैं । अगर किसी मिनिस्टर के यहां विवाह होता हैं तो ५०० या ६०० इनवीटेशन कार्ड ही छपते हैं । ऐसा करने में हमारे जैसे आदमी का तो दिवाला ही निकल जाय । अगर आप मैरिज को चीप बनाना चाहते हैं और उसको सिर्फ बड़े आदमियों की चीज नहीं रखना चाहते हैं तो यह आवश्यक हैं कि सबके लिये एक तरह की विवाह प्रथा रखी जाय । मैं समझता हूं कि गवर्नमेंट ऐसा कर सकती हैं । लेकिन आज मुझे गवर्नमेंट में ऐसी हिम्मत का अभाव नजर आता हैं । गवर्नमेंट चाहती हैं कि जातिपांत और धर्म के भेदभाव खत्म हो जायं लेकिन जो भी बिल आते हैं उनमें हम देखते हैं कि ये भेद भाव कायम रखे जाते हैं । जब मैं यह देखता हूं तो मुझे गवर्नमेंट के प्रोफेशन और एक्शन में बहुत भेद मालूम होता हैं । इसलिये मेरा सुझाव हैं कि गवर्नमेंट इस बिल को सब के लिये रखे और सब धार्मिक प्रथाओं को खत्म कर दे और इसमें उम्र १५ और १८ रखे । लेकिन अगर ऐसा सरकार नहीं करना चाहती हैं और इसको विशेष अवस्था के लिये रखना चाहती हैं तो १८ और २१ की उम्र रखी जाय ।

श्री वी० जी० देशपांडे (गुना) : सभापति जी, इस विधेयक के बारे में आयु का जो संशोधन हम लोगों ने आपके सामने रखा हैं उसके बारे में बड़ी गलतफहमी हो रही हैं । बहुत से लोग यह समझते हैं कि इस बिल के रास्ते में रुकावट डालने के लिये हम चाहते हैं कि लड़के और लड़की की उम्र बढ़े । मेरे सामने तो इस सदन में एक बड़ा विचित्र दृश्य आता हैं । जो लोग अपने को प्रगतिशील कहते थे और जो सदा इस पक्ष में रहे कि लड़की की उम्र बढ़ायी जाय, आज हम देखते हैं कि वह कह रहे हैं कि लड़की की उम्र १६ या १८ साल रखी जाय । मैं आपको यह बताना चाहता हूं कि जो लोग हिन्दू विवाह में १६ और १८ की उम्र रखना

चाहते हैं वे एक प्रकार से प्रागतिक हैं क्योंकि आप देख सकते हैं कि आज देहात में जो लोग पर्सनल ला के अनुसार विवाह करते हैं वे १०, १२ या १४ साल की लड़कियों की शादी कर देते हैं। वहां के लिये १६ या १८ साल करना प्रगति हैं। लेकिन इस स्पेशल मैरिज में तो सुशिक्षित लोग विवाह करेंगे। आर्थोडाक्स पद्धति से भी जो सुशिक्षित लोग विवाह करते हैं उनकी लड़कियों का विवाह भी आज कल १६ या १८ वर्ष में होता हैं। कभी कभी तो लड़की को १६ और २० वर्ष तक जाना पड़ता हैं और लड़के तो जब तक उनकी पढ़ाई लिखाई पूरी नहीं हो जाती हैं तब तक विवाह के लिये तैयार ही नहीं होते हैं। यह स्थिति तो आर्थोडाक्स विवाह करने वालों की हैं। अब यह स्पेशल मैरिज बिल हमारे सामने हैं। इसके अनुसार जो विवाह होंगे वे पर्सनल ला को छोड़ कर, धार्मिक संस्कार को छोड कर होंगे। इसमें पुरानी पद्धति को छोड़ कर लड़का और लड़की एक नया प्रयोग करेंगे। तो आप यह देख लीजिये कि इतना बड़ा उत्तरदायित्व आप १८ साल के लड़के और १८ साल की लड़की को देने के लिए तैयार हैं या नहीं। कुछ दलीलें दी गयी हैं कि जब एक १८ वर्ष का लड़का देश के लिए लड़ने जा सकता हैं तो क्या वह इस उम्र में विवाह नहीं कर सकता हैं। हमारे मोरे साहब जो कि प्रेम के पुजारी हैं वह कहते हैं कि जैसे जायदाद का एलीनेशन हो सकता हैं क्या उस तरह से हृदय का परिवर्तन नहीं हो सकता हैं। मैं उनको बताना चाहता हूं कि हृदय का एलीनेशन एक बहुत भारी बात हैं। मैं ऐसे लोगों से पूछना चाहता हूं कि वे मतदान का अधिकार १८ वर्ष के लड़कों को क्यों नहीं देते हैं? जब आप समझते हैं कि एक १८ वर्ष का लड़का अपने उस प्रतिनिधि को नहीं चुन सकता हैं जिसको कि उसकी तरफ से सैंकड़ों मील दूर जा कर बोलना हैं, तो आप यह कैसे ठीक समझते हैं कि १६ वर्ष की लड़की और १८ वर्ष का लड़का अपने लिए लाइफ पार्टनर चुज कर सकते हैं।

Shri S. S. More: May I know from the hon. Member whether he would have the same provision for the Hindu Marriage and Divorce Bill?

Shri U. M. Trivedi (Chittor): Hindu Marriage and Divorce Bill is not wanted at all; we oppose it fundamentally.

श्री वी० जी० देशपांडे : आपका क्वेश्चन बहुत अच्छा हैं और मैं आपको उसकी बाबत बतलाना चाहता हूं। मैं यही बता रहा था कि पार्लियामेंट के लिये वोट देते समय या असेम्बली के लिये वोट देते समय १८ साल के लड़के या लड़की को कि उनका प्रतिनिधि कौन हो, यह जज करने का अधिकार आप देते नहीं हैं, तो फिर जहां कि सारे जीवन साथी के चुनाव का प्रश्न हो मेरी समझ में १८ साल के लड़के या लड़की को अपना जीवन साथी चुनने का भी अधिकार नहीं देना चाहिये क्योंकि उन्हें दुनिया का बहुत कम अनुभव होता हैं। मैं मोरे साहब को बतलाना चाहता हूं कि हमारे यहां विवाह एक सामाजिक संस्कार हैं और यह सैक्रामेंटल मैरिज एक भिन्न आधार पर प्राचीन परम्परा के अनुसार पिछले हजारों वर्षों से १६ या १८ साल की लड़की शादी करती हैं, माता, पिता की अनुज्ञा से वह शादी करके अपने पति के गृह जाती हैं जहां पर सास हैं, ससुर हैं, देवर हैं, इन सब लोगों के साथ भरे घर में वह रहती हैं और उस बड़े भरे परिवार की सारी जिम्मेदारियां वह वहन करती हैं, लेकिन यहां तो हम पाते हैं कि क्रान्ति का झंडा हाथ में उठा कर मनु और याज्ञवल्क्य के खिलाफ बगावत करके माता, पिता की अनुज्ञा के खिलाफ जब शादी करने के लिये लड़की जाती हैं तो क्या आप १८ साल की लड़की को इस की अनुज्ञा देना चाहते हैं कि वह जिससे चाहे शादी कर ले, इस बिल में आपने यह प्राविजन किया हैं कि हिन्दू हों या मुसलामान हों या क्रिश्चियन, उनकी शादी हो सकती हैं, मैं आपसे कहना चाहता हूं कि आप ऐसा करते वक्त वास्तविकता की तरफ नहीं देख रहे हैं। मैं पूछना चाहता हूं कि कौन सी रजिस्टर्ड मैरिजेज एक्ट के अन्दर १८ साल में और २१ साल में हो रही हैं और मैं समझता हूं कि जब तक २० या २५ साल का लड़का या २१ और २२ साल की लड़की

[श्री वी० जी० देशपांडे]

नहीं होती हैं तब तक इस तरह की सिविल मैरिज उनके बीच में उचित नहीं हैं । और आप जानते हैं कि इस तरह की मैरिजेज होने से एंबडक्शन्स और सेडक्शन्स होते हैं, जहां कि मां बाप की परमिशन के बगैर नाजायज शादियां होती हैं । आप गार्जियन या पालक की अनुज्ञा से उसको छूट दिलाना चाहते हैं जिसमें एक धर्म का लड़का दूसरे धर्म की लड़की को ले जाता हैं तो उसके माता पिता से बिना पूछे उनको विवाह करने का अधिकार आप देना चाहते हैं, हम इसके विरुद्ध हैं और हम इस प्रकार का अधिकार उनको नहीं देना चाहते हैं ।

मैं आप को अभी बतला रहा था कि सुधार के नाम पर, प्रगति के नाम पर, पुरुष स्त्रियों को आज फिर धोखा दे रहे हैं । आपने देखा होगा कि आज मुख्य चीज यह अनुभव की जा रही हैं कि स्त्री को एकोनोमिकली इंडिपेंडेंट होना चाहिये, खास कर ऐसे विवाह में जिसमें लड़का और लड़की अपने अपने माता पिता को छोड़ कर अपनी शादी करना चाहते हैं । हम देखते हैं कि स्त्री का आर्थिक दासत्व इस देश में इस कारण आ रहा हैं कि उनका विवाह छोटी उम्र में हो जाता हैं । १६, १८ साल की लड़की जिसके सामने पढाई की समस्या हैं, वह जल्दी शादी हो जाने की वजह से ग्रेजुएट नहीं हो पाती या डाक्टरी नहीं पास कर सकती, ऐसी लड़की को अगर आप शादी करने देंगे तो मैं पूछना चाहता हूं कि स्त्रियों का आर्थिक स्वातंत्र इस देश में कैसे आयेगा ? स्त्रियों को सदा आर्थिक दासता में रखने के लिये एक चालाकीपूर्ण और एक योजनाबद्ध पद्धति पुरुषों की तरफ से बर्ती जा रही हैं और स्त्रियों को इस तरह बहकाया जा रहा हैं । मेरी तो कुछ समझ में नहीं आ रहा हैं कि छोटी उम्र में इस तरह की शादी करने में स्त्री का आप कौन सा फायदा करते हैं जब इस तरह आप एक १६ और १८ साल की उम्र में उस लड़की पर मातृत्व का भार डालते हैं जिसको उठाने में वह असमर्थ सिद्ध होती हैं । कुमार जैसे अपने ख्याल के लोगों का तो मुख्य उद्देश्य यह रहता हैं कि स्त्री विवाहित होने पर एक सुयोग्य सुमाता और सुगृहिणी बने और हमें तो देख कर बड़ी हैरानी होती हैं कि आप स्त्री पुरुषों के लिये जो कानून बना रहे हैं उसमें आप जान बूझ कर १६ या १८ साल लड़के या लड़की के लिये उम्र रखते हैं, मुझे यह आपकी कथित समानता देखकर हैरानी होती हैं । पुरुष, और स्त्री दोनों में समानता हो, इसलिये १८ साल की ही लड़की हो और १८ साल का ही लड़का हो । यह समानता मेरी समझ में नहीं आती हैं । आयु के सम्बन्ध में श्री गुरुपादस्वामी ने जो सुझाव दिया हैं कि स्त्री और पुरुष की आयु में फर्क होना चाहिये और वह फर्क बहुत ज्यादा नहीं होना चाहिये । जैसा कि मैंने प्रारम्भ में बतलाया था कि ६० साल की लड़की और १८ साल के लड़के की शादी इस विवाह प्रणाली के अनुसार हो सकती हैं, तो मैं कहूंगा कि जैसे आपने बाल विवाह का निषेध किया, इस तरह के जरठकुमार और जरठकुमारी विवाहों का निषेध भी इस विधेयक के द्वारा करना बहुत आवश्यक हैं । आप एक आदर्श विधेयक विवाह प्रणाली जनता के सम्मुख रखने जा रहे हैं । पर्सनल ला के अनुसार जो विवाह होते हैं उनकी और इसकी आप तुलना नहीं कर सकते हैं क्योंकि उस तरह के विवाह में तो परिस्थिति ही भिन्न होती हैं और उस प्रकार के विवाह में पति और पत्नी की जिम्मेदारी लेने के लिये दूसरे लोग आते हैं, लेकिन इस प्रकार के विवाहों में जहां लड़के और लड़की अपनी इच्छा से सिविल मैरिज एक्ट के अन्दर शादी करते हैं वहां एक तो उनकी दोनों की उम्र में फर्क होना चाहिये और दूसरे यह जो छोटी उम्र में शादी करने की बात हैं, मैं इसका विरोध करना चाहता हूं और पालक कौन हो इसके बारे में भी जो कहा जाता हैं कि १७ साल की उम्र की लड़की या लड़के को पालक की कोई आवश्यकता नहीं, इसके भी मैं विरुद्ध हूं । पालक में भी व्याख्या की जाती हैं । माता पिता हों तब तो ठीक हैं या तो कोर्ट गार्जियन हो तो भी ठीक हैं लेकिन मैं उनसे बतलाना चाहता हूं कि

हमारे विवाह की कल्पना है कि "मैरिज इज ए सोशयल फंक्शन" । मैरिज एक सामाजिक व्यवस्था है जिसमें समाज, कुल और उनके कुटम्ब के बाकी लोगों का सम्बन्ध आता है और फर्ज कीजिये कि किसी लड़की का पिता मर गया है लेकिन उसका दादा जीवित है तो आप यह कहेंगे कि उसको पालक रखने की जरूरत नहीं, मैं इससे सहमत नहीं हूं क्योंकि मैं समझता हूं कि उस लडकी या लडके का गार्ड फादर उतना ही उसका हित देख सकता है जितना कि उसका पिता देखता । इसी प्रकार उसके चाचा या बड़े भाई होते हैं उनको जरूर अधिकार देना चाहिये और उनको पालक मानना चाहिये । आप तो कहते हैं कि १८ साल की उम्र में, लेकिन मैं तो कहूंगा कि २१ साल की उम्र में भी जैसा कि हमारे यहां के बाकी लोगों ने भी माना है, उनका मशविरा लेना चाहिये लेकिन वह बंधनकारक नहीं होना चाहिये, और खास करके २१ साल से कम उम्र की स्त्री के इस प्रकार के नये प्रयोग मे जाने के हम विरोधी हैं और मैं समझता हूं कि जो लोग स्त्रियों की आर्थिक दासता नहीं चाहते हैं उन लोगों को भी २१ साल की उम्र के नीचे स्त्रियों को विवाह करने की अनुज्ञा नहीं देनी चाहिये ।

Several Hon. Members *rose*—

Mr. Chairman: I think it would be better if hon. Members take less time. So many Members are already standing and each Member should not take more than five or six minutes.

Shri U. M. Trivedi: Sir, some of us were not allowed to speak even at the time of the general discussion.

Mr. Chairman: It is only on this clause that I say this.

Shri U. M. Trivedi: For four days we have been trying to speak.

Shri Gidwani (Thana): Sir, while considering this clause I would request hon. Members to take into consideration the effect of clause 19 on this matter. Clause 19 reads like this:

> "The Marriage solemnized under this Act of any member of an undivided family who professes the Hindu, Buddhist, Sikh or Jaina religion shall be deemed to effect his serverance from such family."

That means that the boy or girl, married at the age of 18 will have to sever their connections with the family and they will have to seek their source of income. It is an acknowledged fact and there can be no doubt about that, in the situation in which we are today, if they were really realists they would really consider this aspects from the practical point of view. These marriages will take place only among the so-called advance people; and you will find, that after some time when the glamour is over, they will not be able to find any employment and they will be on the streets. That is one aspect of the question which we have to bear in mind. You have to take a practical view of the question, whether a boy at the age of 18 will be able to support his wife. Supposing they start procreating and within three or four years they manage to produce three or four children, where will he be?

Shrimati Sucheta Kripalani (New Delhi): He cannot produce four children; it is physically impossible.

Shri Gidwani: Only yesterday a person came to me who, within six years, has produced about four children.

Shrimati Sucheta Kripalani: That is all right.

Shri Gidwani: Whatever that may be, whether three children or two children within five years, it will be difficult for him to economically support his children. That is one aspect of the question before my mind.

You must also consider the social conditions in this country. There have

[Shri Gidwani]

been riots over such marriages; I need not go into the history. I know people's sentiments get estranged and it hurts their susceptibilities. Therefore, looking to the practical aspect of the question, we must be very careful in social legislation. I would therefore suggest that there should be no difference between the age of the boy and girl and it should be 21 years. Our women now, also claim equality. In this matter there should be perfect equality. Why should there be any disparity in this? Therefore..

Shrimati Sucheta Kripalani: You have no experience.

Shri Gidwani: I have no experience that is true. I have not married, but I have sufficient experience (*Interruption*). Marriage is not the only experience, or the only way of getting experience; there are other ways also.

Mr. Chairman: Leave that subject now.

Shri Gidwani: A social worker comes into contact with various people. I started my public career when I played the part of the mother-in-law in an anti-dowry drama in 1907. I know many things of this kind with which I have been associated as a social worker. You have only one experience of the biological process. I have the experience of dealing with people in social matters as a disinterested and detached person. Therefore, I do feel that if you really want that this Bill should do any good to the people, we should not reduce the age-limit and we should accept the recommendation of the Raiva Sabha. In this matter they have shown their wisdom

श्रीमती सुचेता कृपालानी : सभापति महोदय, मैं ज्यादा वक्त नहीं लेना चाहती हूं क्योंकि काफी बहस इस सम्बन्ध में हो चुकी हैं ।

यहां दो दिन से जो बहस हो रही हैं उम्र के बारे में, उस में दो रायें दिखाई देती हैं । एक राय यह हैं कि शादी की उम्र को कुछ बढ़ा देना चाहिये । २५, २६ साल के लड़कों को और २१ साल की लड़कियों को ही शादी करने की इजाजत देनी चाहिये । दूसरी राय यह हैं कि उम्र को घटा देना चाहिये । एंन्थनी साहब और कुछ दूसरे सदस्यों ने कहा कि इस उम्र को १५ साल कर देना चाहिये । किसी साहब ने कहा कि इस को १६ साल होना चाहिये । मैं समझती हूं कि जो संशोधन २२७ नम्बर का पंडित ठाकुर दास भार्गव ने दिया हैं, जिस में वह कहते हैं कि लड़की को १८ साल और लड़के को २१ साल का होना चाहिये, वह बहुत मुनासिब चीज हैं ।

एक माननीय सदस्य : कृपालानी जी की राय तो यह नहीं हैं ।

श्रीमती सुचेता कृपालानी : इस सम्बन्ध में कृपालानी जी और मेरी एक राय नहीं हैं ।

Shri N. C. Chatterjee: There is a difference in the family.

श्रीमती सुचेता कृपालानी : जिन सदस्यों ने कहा हैं कि उम्र बढ़ा देनी चाहिये और उन्होंने जो आर्ग्युमेन्ट इस राय के देने में दिया हैं, कि जो लोग शादी करेंगे इस स्पेशल मैरिज एक्ट के मुताबिक वह शिक्षित लोग हैं, प्रगतिशील लोग हैं, वह बहुत थोड़ी उम्र में शादी नहीं करेंगे, वह बिल्कुल ठीक हैं और मैं समझती हूं कि ज्यादातर लोग ज्यादा उम्र के ही इस एक्ट के मुताबिक शादी करने वाले हैं । हम लोग यहां पर कौन सी उम्र मुकर्रर कर रहे हैं ? हम लोग ऊपर की एज मुकर्रर नहीं कर रहे हैं, मिनिमम एज मुकर्रर कर रहे हैं । हम को इस बात का ख्याल रखना चाहिये कि पहले हमारे मुल्क में छोटी उम्र में शादी करने का रिवाज था । आहिस्ता आहिस्ता हम उस रिवाज को हटाते जा रहे हैं । जिस मुल्क की ट्रेडिशन हैं कि कम उम्र में शादी करें वहां ज्यादा उम्र शादी के लिये तैं नहीं करना चाहिये । सब लोग यह मानते हैं कि एक लड़की का शारीरिक विकास १६ साल में हो जाता हैं, मगर हम चाहते हैं कि उस का मानसिक

विकास भी हो जाय । १८ साल की उम्र में हमारे देश में औरत सम्पूर्ण विकसित समझी जाती हैं और २१ साल की उम्र में लड़के को सम्पूर्ण विकसित समझा जाता हैं । इसलिये मैं समझती हूं कि २१ साल की उम्र लड़के के लिये और १८ साल की उम्र लड़की के लिये बहुत ठीक हैं ।

मुझे देशपांडे जी के भाषण को सुन कर बड़ी खुशी हुई जब उन्होंने औरतों के वास्ते इतनी हमदर्दी दिखलाई और दिलचस्पी दिखलाई । औरतों के मामले में अगर वह इतनी ही हमदर्दी और दिलचस्पी हर मामले में दिखलाते रहें तो हम लोग जो यहां पर औरत मेम्बर हैं उन को बड़ी खुशी होगी । मैं यह कहना चाहती हूं कि अगर हम उम्र को १८ और २१ से भी ज्यादा बढ़ा देंगे तो हमें यह डर हैं कि सामाजिक दिक्कतें और बढ़ जायेंगी । जब कभी कोई जल्दी से शादी करना चाहे और शादी न कर सके उससे समाज को नैतिक पतन होने का डर हैं । इस तरह से हमारे समाज की नैतिक हालत नहीं सुधरेगी जो कि हमारा उद्देश्य हैं । इसलिये मेरा विचार यह हैं कि मिनिमम एज बहुत ज्यादा ऊपर नहीं होनी चाहिये । इस से कोई कठिनाई भी नहीं पड़ेगी, जो लोग चाहें इस एक्ट के बनने के बाद भी ज्यादा उम्र में शादी कर सकते हैं । इसलिये मैं सम्पूर्ण तरीके से पंडित ठाकुर दास भार्गव के संशोधन का समर्थन करती हूं ।

Shrimati Sushama Sen (Bhagalpur South): Sir, I do not want to prolong the discussion because there has already been quite enough discussion as the Speaker himself remarked today.

I support the amendment of Pandit Thakur Das Bhargava that the age of the girl should be 18 and the age of the bridegroom 21. I think it is quite fit and proper that these ages should be accepted by the House. Regarding the age of the girl, the woman Members not only from this House, but outside women who have been consulted, are all of the opinion that 18 should be the age of the girl because girl is quite fit and ready for marriage when she is 18. Another thing is, for the middle-class people it is rather difficult if girls are not married till a very late age. Therefore, I would support the amendment that the age of girls should be 18 and that of boys 21.

For the boys it is necessary to raise the age to 21 because their education will not have been finished and they will not be earning before they are 21. Unless a boy is earning he should not marry. Therefore, I support this amendment whole heartedly.

The Minister of Defence Organisation (Shri Tyagi): Will there not be any constitutional difficulty in discriminating between the two sexes?

Shri D. D. Pant (Almora Distt.—North East): Yes; exactly, that is my point.

Pandit Thakur Das Bhargava (Gurgaon): According to the rules of physical constitution the boy matures at 21 and girl at the age of 18.

Shri D. D. Pant: No, no; it is an offence against that clause.

Mr. Chairman: Order, order. The hon. Lady Member may begin.

Shrimati Ila Palchoudhury (Nabadwip): Sir, I shall be very brief.

Mr. Chairman: I expect everyone to be brief.

Shrimati Ila Palchoudhury: I shall be still briefer than the one who have gone before me. I fully support the amendment of Pandit Thakur Das Bhargava because it is quite right that girls of 18 and boys of 21 should be allowed to marry.

Shri D. D. Pant: Then why do you want equality?

Shrimati Ila Palchoudhury: In this there is no equality as the girl matures sooner than a boy.

Pandit Thakur Das Bhargava: You want to have maternity benefits for yourself. (*Interruption*)

Mr. Chairman: Order, order.

Shrimati Ila Palchoudhury: Everyone knows that a boy is not really up to the mental standard of a girl of 18 till he is at least 21!

Dr. Jaisoorya (Medak): I protest:

Shrimati Ila Palchoudhury: It must be admitted that this Bill touches only a fringe of society. Practically, it will not touch the rural society at all and it will only touch a fringe of the urban society. In that society a girl is able to take care of herself at 18 and if the boy is 21, the marriage can well be solemnized. It does not mean that any other ages are prohibited for the purposes of marriage by this Act. They can marry at any age, 60 and 18 or *vice versa* as an hon. Member proposed. This Act does not prevent that.

Another point that I would like to submit is that any consent of the guardian in this sort of an Act is really out of place; because these marriages will take place when the boys and girls have made up their minds and are not willing to consult their families. Although clause 19, as pointed out, will effect separation, as I said, to keep matters easy and pleasant between the family and boys or girls, the separation may be *de jure*, but it need not necessarily be *de facto*. Majority has been conferred, for all practical purposes, at 18 years, hence this particular stress on consent should not be placed because it makes the guardian's position really untenable. The children can always say: "We are major, and we can do just what we like". Therefore I think the consent clause should not be there and the age of 18 and 21 for boys and girls approved.

Mr. Chairman: I find that still a large number of Members—about a dozen more—are trying to catch my eye and are standing. I would therefore, request the Members not to force me to say, ultimately, that the matter has been sufficiently discussed. As far as possible, I do not want to exclude any Member from saying what he has to say. I will only say that Members should not try to speak on this because it is an alluring and easy subject. They must only speak if they have to add anything more than what has already been contributed. With this hint I will call upon the Member on that side, next to Shri D. C. Sharma

पंडित डी० एन० तिवारी (सारन दक्षिण) : सभापति महोदय, शादी के मामले में हम लोग कम से कम उम्र की बात सोच रहे हैं। जितनी बातें शादी के समय होनी चाहियें, जैसे मानसिक, शारीरिक तथा भौतिक, साथ में आर्थिक भी उन में सब से ज्यादा वर वधू दोनों की उम्र का सवाल महत्वपूर्ण है। और इसलिये इस पर कुछ ज्यादा समय दिया जाय तो कुछ नाजायज नहीं है।

हम इस बिल पर बहस करते वक्त यह भूल जाते हैं कि यह बिल कोई साधारण बिल नहीं है बल्कि स्पेशल बिल है और इसके सिद्धान्त स्पेशल हैं। इसलिये जो साधारण सिद्धान्त हैं उनसे कुछ अधिक उम्र में ही इस बिल के अनुसार शादी होना बहुत आवश्यक है। आज जो भाई यहां कह रहे हैं कि ऐसी शादी करने वाले लड़कों और लड़कियों के मार्ग में कोई बाधा नहीं होनी चाहिये वे यह भूल जाते हैं कि वे भी गार्जियन हैं और उनको भी इजाजत देनी है। सब गार्जियन और सब लोग ऐसे नहीं हो सकते जो कि अपने लड़के और लड़की की हां में हां नहीं मिलायें। कुछ हमारे मोर साहब के तरह के भी होंगे जो उनको अपनी राय दे कर प्रोत्साहित करना चाहेंगे।

दूसरी गलत राय यह दी जा रही है कि सर्व साधारण को इस पद्धति में आकृष्ट करने के लिए यह जरूरी है कि हम इस में उम्र कम रखें। मैं नहीं समझता कि इसमें सर्व साधारण को आकृष्ट करने की क्या जरूरत है। आपने अभी सुना कि यह बिल देहातों को टच करने वाला नहीं है। जैसा कि मिसेज चौधरी ने कहा इस बिल का कोई असर देहातों में नहीं पड़ेगा।

शायद हमारे कुछ गांवों को टच करें तो करें लेकिन आम तौर से यह गांवों को टच नहीं करेगा। तो देहात वालों को और जन साधारण को इस बिल में विशेष दिलचस्पी देने के लिये हम क्यों कोशिश करना चाहते हैं यह मेरी समझ में नहीं आता है। मैं नहीं चाहता कि जन साधारण इस पद्धति को अपनायें। कारण इस पद्धति में सबसे जबरदस्त जो खराबी है वह यह है कि शादी करने वाले का इम्मो फैक्टो इस बिल के अनुसार शादी करने पर अपने परिवार से अलग हो जाना होगा।

सभापति महोदय : इस मुद्दे पर तो बहुत कहा जा चुका है। कुछ और कहना हो तो कहिये।

पंडित डी० एन० तिवारी : इस तरह की शादी के बाद हमको अपने परिवार से इम्मो फैक्टो अलग हो जाना पड़ेगा। अगर आप यह समझते हैं कि १८ या २१ वर्ष का लड़का इस योग्य हो सकता है कि वह अपने परिवार से अलग रह कर अपनी रोटी कमा सकेगा तो आप यह इजाजत दे दीजिये। शिक्षित लोगों की नौकरियों के लिये दरख्वास्तें आती हैं उनको आप देखिये तो आपको मालूम होगा कि अधिकतर जितने एजूकेटेड लोग हैं वे २१ वर्ष से ऊपर ही रोटी कमाने योग्य हो पाते हैं। और इस तरह की रोटी कमाने वाली लड़कियों की उम्र भी २० या २१ से ऊपर की ही होती है। मेरा सुझाव यह है कि जब वह सेल्फ सपोर्टिंग हो जाएं उस वक्त आप उनको यह इजाजत दीजिये कि वे अपने मन से शादी कर लें और उसके बाद अपना जीवन निर्वाह करें। यह नहीं कि आप कम उम्र में उनकी शादी करके उन पर एक भार लाद दें और वह अपनी परवरिश भी न कर सकें। मैं समझता हूं कि यह उचित नहीं है। इसलिये मेरी राय में यह जरूरी है कि जब गार्जियन की राय लेने की आवश्यकता न हो तो उम्र २१ वर्ष से कम न होनी चाहिये।

हमारे बहुत से भाइयों ने कहा कि दकियानूसी लोग, जो सुधार नहीं चाहते वे ज्यादा उम्र रखाना चाहते हैं। आज हम एक नया नजारा देख रहे हैं। बहुत से रिफार्मर लोग जो बराबर २५ साल से सेन्ट्रल असेम्बली में और इस सदन में लड़के और लड़की की उम्र बढ़ाने के पक्ष में रहे हैं आज यह चाहते हैं कि उम्र कम कर दी जाय। मेरी समझ में नहीं आता कि आज उनका रिफार्म कहां गया।

10 A.M.

Shri B. S. Murthy (Eluru): The hon. Minister is otherwise busy now.

पंडित डी० एन० तिवारी : मैं कहना चाहता हूं कि पहले जो लोग उम्र बढ़ाना चाहते थे क्या वे कांसर्टेंट हैं। उनको यह नहीं कहना चाहिये कि जो लोग उनके साथ समाज सुधार में आगे नहीं बढ सकते हैं वे रिएक्शनरी हैं। हम लोग जो बहुत आगे नहीं जाना चाहते हैं उनका विचार है कि जब लड़की और लड़का जवाबदेही लेने के लिए तैयार हो जायं तब उनकी शादी हो। धार्मिक पद्धति से यह पद्धति अलग है। धार्मिक पद्धति में बिना गार्जियन की राय के शादी नहीं होती है। इसलिये यदि उसका मिलान इससे किया जाय तो गलत होगा। इसलिये मैं यह सुझाव आपके सामने रखना चाहता हूं कि लड़कों की उम्र २१ वर्ष से अधिक होनी चाहिये लेकिन लड़कियों की उम्र जब कंसेंट के साथ न हो तो २१ वर्ष हो और कंसेंट के साथ १८ वर्ष हो।

Shri D. D. Pant: I only submit that this amendment offends against the Constitution which confers equal rights on both sexes. You are conferring the right on a girl to enjoy married life at the age of eighteen but why are you going to deprive the boy of the same right?

Pandit Thakur Das Bhargava: I would like to know whether the hon. Member wants maternity benefits for himself on the basis of equality.

Shri D. D. Pant: That is quite a different thing. My submission is that the clause if amended in this manner will be *ultra vires* of the Constitution.

The Minister of Law and Minority Affairs (Shri Biswas): I would just draw the attention of the hon. Member to article 15, sub-article (3), which says that "Nothing in this article shall prevent the State from making any special provision for women and children".

Shri D. D. Pant: But this is conferring a special right on them.

Mr. Chairman: I do not think there is any constitutional point involved here.

Shri Sadhan Gupta (Calcutta-South-East): Nature itself is *ultra vires* of the Constitution.

Mr. Chairman: I would like to close the discussion on this clause at about 10-15 A.M.

Shri U. M. Trivedi: In the discussion that we have had so far, one fundamental thing was brought out. As the Law Minister has been putting it, this is a Special Marriage Bill, and it is not a Bill meant for everybody.

Shri Biswas: It is meant for everybody.

Shri U. M. Trivedi: He cannot talk in two languages. His reference was that in the Special Marriage Act of 1872, which is being repealed by the provisions of the present Bill, we had a provision that anybody who wanted to marry under it had to make a declaration that he was not a Hindu, nor a Mohammadan, nor a Jain, nor a Sikh. Therefore, let us be honest about it and for the sake of this marriage, do not put up a foundation on a false statement, and it is with that object that the Special Marriage Bill has been brought forward now. As he has also told us —and we are also cognisant of the fact—that we are following this Bill with the Hindu Divorce and Marriage Bill, where similar provisions do exist, and that is the law which is coming up and which will be applicable to all Hindus. This Bill, as its name suggests, is a Special Marriage Bill and those who want to marry under it must certainly have mature consideration of all the consequences that are going to follow from following the special procedure that is laid down here, and it cannot be denied that the great majority of the people living in this country are Hindus. Therefore we have to consider it with greater emphasis on our cultural development. We have got a saying in Gujarati that up to the age of 25 a man is passing through the stage of an ass or donkey. Up to the age of 25 you are not able to form correct ideas of wordly affairs. You may be well up in your studies, you may study books on history, economics or mathematics and pass examinations. But the same does not apply to your judgement on worldly affairs.

Particularly in regard to marriage, so many consequences follow from it. The first important thing that a man should decide is whether a girl or woman whom he is going to marry is an idiot or not; you do not know at the age of 25 the difference between an idiot and an imbecile.

Shri D. D. Pant: Pitt became the Prime Minister of England at the age of 25.

Shri U. M. Trivedi: But he was not an idiot.

Many people do not develop psychologically before the age of twenty-five with the result that they do not know the difference between an idiot and an imbecile. We know that under the Penal Code a boy below the age of seven is treated on a par with an idiot. That is why whatever he does is not an offence. In the case of a boy under the age of twelve who commits an offence, it has to be proved that he has developed sufficient intelligence as to realise the consequences of his action. We do not know whether the persons who are going to take advantage of this measure will be persons whose intellectual ideas of the world would have developed to such an extent

as to realise the consequences of their actions. So, when we are providing for a type of marriage which is not of the normal or usual type, and when the consequences of that marriage is to deprive a person of the right of inheritance of the Joint Hindu family, with other attendant consequences not only upon themselves but also upon their progeny, why do you want to force those who are merely of the age of eighteen to formulate a particular type of decision which might affect them at a later stage?

I therefore, say that although I would have ordinarily agreed with what Pandit Thakur Das Bhargava has suggested by way of amendment, I would go a little further and support the amendment of Shri Chatterjee that until the parties have crossed the stage of ass or donkey (that is 25 years) we should not permit them to take recourse to this special law, with all its serious attendant consequences.

Shri S. S. More: So, this Bill is for the prevention of marriage of donkeys!

Mr. Chairman: Let us not have cross-talks. That shows we are treating the subject [illegible] On the one hand hon. Members complain that this is an important provision and should have more time. I find them indulging in laughter which goes to show that they are treating it lightly.

Shri U. M. Trivedi: I endorse every word that has fallen from your lips.

In fact, my hon. friend Shri More has been very flippant in this respect and I expect that he will not proceed in that way.

Shri S. S. More: It is the inviolable right to Mr. Trivedi to be flippant.

Shri U. M. Trivedi: The other question to which I want to draw the attention of the House is to the amendments suggested to part (d)—that is degree of prohibited relationship.

Mr. Chairman: We are now dealing only with sub-clause (d).

Shri U. M. Trivedi: As my hon. friend Shri Jhunjhunwala has very rightly put it, here we are not dealing with goods or chattels; we are not dealing with merchandise—so that you cannot say: "well I have committed a mistake in my selection, I return this and take another."

There is an unfortunate belief among some of our friends here that unless we follow western ideas we are not progressive. But in order to be progressive it is necessary that we should give up all our intelligence? In England, we know, a boy is considered a minor up to the age of 21. [illegible] imposed upon us this position that a boy or girl attains majority at the age of 18. We ourselves do not know that intellectually we are far superior to the other races. Is such it would have been better if the age of majority had been fixed at 21 in India also.

But so far as the question of marriage is concerned, it requires rather deep and serious consideration of the consequences that follow. It is not a matter like casting your vote like a flock of sheep and we done away with it. It is much more important than casting your vote. We have fixed the minimum age for the exercise of franchise at 21. I say it is but reasonable that we should raise the age of marriage under this measure to 25.

Shri Barman (North Bengal—Reserved—Sch. Castes): Sir, this is a very controversial provision in the Bill. At the outset I should admit that there is much for in the amendment tabled by my hon. friend Pandit Thakur Das Bhargava.

Dr. Rama Rao (Kakinada): It is better to mention the age suggested rather than give the number of the amendment.

Shri Barman: On account of the differences of opinion prevailing

[Shri Barman]

among hon. members, I feel that the amendment moved by my hon. friend Shri Venkataraman is a *via media* and a most sensible one. In the Select Committee Report on the Special Marriage Bill, 1952, you will find that the Committee after giving consideration to this all-important matters recommended....

Mr. Chairman: Which is the number of that amendment?

Shri Venkataraman (Tanjore): Amendment with regard to guardian is 291 and the amendment with regard to age is 295.

Shri Barman: ...by a majority that the parties should have completed the age of 18 years. And then the next clause provides that "each party, if he or she has not completed the age of twenty-one years, has obtained the consent of his or her guardian if any to the marriage".

Here I beg to submit that two things are provided. First of all, there may be a constitutional question or not, but one thing is clear, that the age of both the girl and the boy has been put down at eighteen. The Upper House of course has changed it to twenty-one, and therefore this controversy has arisen here. I think that we should consider between the two limits, eighteen and twenty-one, equally for the age of boys as well as for girls.

It is very difficult to say at what age each and every girl will attain puberty; so also, in the case of boys it is difficult to say when each and every boy will attain maturity. It may be that under the law the girl is supposed to attain majority at the age of eighteen. But well-developed girls attain puberty before that age. And under the ordinary laws prevailing according to each religion, the age-limit for marriage is there which is below eighteen.

So we cannot simply lay down a hard and fast rule that because each and every girl attains puberty at the age of eighteen, or in the case of boys they attain maturity at the age of twenty-one, no boy or girl should be allowed to marry below that age. I think it is not very sound for us to say that dogmatically. Each case varies according to circumstances, climate, health. But we must lay down a certain lower limit below which we may say that we shall not allow any marriage under this Act to be performed.

This is a Special Marriage Act. In such cases I think that eighteen should be the age-limit below which boys or girls should not be allowed to marry.

Now the question has arisen that a boy does not attain maturity until he is twenty-one years of age. Apart from the submission that I have already made regarding individual variations, there is one safeguard here. That is if the boy or girl—in this case let me say the boy—has not attained the age of twenty-one, if the father or mother be living or there is a court guardian, then it is their concern to see whether the marriage will be a judicious one, will be for the happiness of the boy, and they will look after the boy's future interests and future happiness. So that is safeguarded.

The question remains as regards orphans. It is very difficult for this whole House to take responsibility for all the orphans under different circumstances. You may remember that on the floor of the House, Mr. Anthony has posed a question. He has said that under the present circumstances in our educational institutions under the co-education scheme boys and girls mix freely together. The question of age of puberty, as I have said, is a debatable one. But in a case where a boy and a girl had contacted with each other and something which was not desirable had happend, then what is the fate of that union? Suppose they belong to two communities. You are not allowing the boy and

girl to contract this special marriage till they are twenty-one. And if an issue is born, say, before the marriage is solemnized that issue will become illegitimate. How is this House going to provide for such circumstances? It is not of course possible to provide for all contingencies. But Mr. Anthony's proposition is not to be flouted with levity.

I think that in the case of boys and girls who have got no court guardian, no father, no mother, who are orphans, it would not be right for us to say that until the boy attains twenty-one years of age he will not be allowed to marry. They are alone in this world. Nobody is taking responsibility for them. So even if they be below twenty-one years of age and there is no father, no mother, no court guardian, let them take the consequences of their own acts.

Considering all these factors I personally think that the amendment moved by Mr. Venkataraman is a sound one and we should support it.

Mr. Chairman: Shri D. C. Sharma. I think you are probably the last speaker.

Babu Ramnarayan Singh (Hazaribagh West): I also want to speak.

Shri A. P. Sinha (Muzaffarpur East): The Speaker said at 9-30 that this will be discussed only for half an hour. Now it is almost an hour.

Shri D. C. Sharma (Hoshiarpur): I have seen on the floor of this House a lady Member differing from her husband so far as this clause is concerned, and I therefore make bold to differ from the Law Minister.

Mr. Chairman: May I make an appeal to the hon. Members. Some section of the House think that the matter has been discussed very thoroughly. I myself have got that feeling and in fact wanted to close it at 10-15, but I find that even important Members are trying to rise and catch the eye of the Chair. I suggest that the hon. Member may finish within two or three minutes if he has anything new to say. Otherwise what is the good of forcing me to resort to some other method?

Shri D. C. Sharma: Most of the hon. Members of this House, when they come to prescribe the age of marriage for boys as well as for girls, try to keep it low. I think this measure is neither a reformist measure nor an orthodox measure. It is neither fish, nor flesh, nor fowl. I would think that the provision of consent should be done away with altogether.

Mr. Chairman: We are not concerned with it at this stage. We are only on clause 4, sub-clause (c), as to what should be the age at which these people should be allowed to marry.

Shri D. C. Sharma: I am arguing on that point that there should be no element of consent in it, because the consent of the parents will be obtained under duress either by the girl or by the boy. Because, I know the parents will find it very difficult to differ either from the girl or the boy when they are in a mood to marry under all circumstances. I would therefore say that we should have one flat clause here and we should do away with the element of consent altogether. Let the boys and girls be free parties to contract the marriage if they so desire. Please do not put the parents in a false position. This is the first point I want to make.

What does the past experience say? We have had the Act in India for a very long time, and I think a large number of marriages have been performed under this Act. Please enquire—it is a statistical approach or an approach of experience—please enquire from those persons who have married under the provisions of this Act what their relative ages were when they married. If you do that you will come to the conclusion that there were very few persons who married under this Act when the age of the girl was eighteen or when the age of the boy was twenty-one. I would therefore say that when you

[Shri D. C. Sharma]

are prescribing that age limit, you are going against the experience that we have accumulated under this Act for the last 50 years or more. I do not remember the exact number of years.

So far as this clause is concerned, I would say that we should look at it from the psychological point of view. The psychological point of view is this. We should give the boy and the girl the utmost freedom to marry when the urge to marry is in them and we should not put shackles in their free choice. I think one of the tests of civilisation, if I can understand civilisation in the way in which people understand it today, is this. As civilisation in the modern sense of the word progresses, the age of marriage gets levelled up. Students of anthropology know it. (*An Hon. Member*: What is your experience?) You study the conditions of marriage which prevail among the Tribes, whom we, in a sense of superiority, call primitive. I do not call them primitive. You study the science of anthropology. You will find that there has been a tendency all along the line to raise the age of marriage among boys and girls. This is what anthropology tells us. I have been connected with an organisation which can call itself a reformist organisation among Hindus. I have been told that the normal age for a young man to marry is 25. People say that this is the voice of reaction.

Shri M. S. Gurupadaswamy (Mysore): When did you marry?

Shri D. C. Sharma: I married when I was 13 years old.

That does not mean anything.

An Hon. Member: These are personal questions.

Mr. Chairman: It is not relevant also.

Shri D. C. Sharma: Some religious reformers in our country have said and said emphatically, and I know their followers are always saying this that no young man should be allowed to marry before he is 25. I think there is much wisdom in that, much virtue in that, much goodness in that. You cannot marry only because you feel the biological urge. You should marry when you have the means to support your wife; you should marry when you have acquired the means to run a home; you should marry when you have acquired the means to look after your family. You can see young man and young woman doing their best for their family; for making the marriage a success? if this is the voice of reaction that a young man should be 25 years old and the girl's age should be 21, I think India should afford to be reactionary, because I think this is not the voice of reaction, but is the voice of reform.

I was referring to psychology. Those who have read the life of President Wilson will know this. When he became a widower, he wanted to marry again. He met a lady and proposed to her. The lady said to him, "We have not known each other for a long time, when I have not known you for a sufficiently long period, how can we marry each other." I think we should not put a premium upon the half-baked love which passes in young men for love. It should be a case of intimacy, a case of knowledge and understanding I do not think that this kind of understanding will develop if you put the age limit very low.

My friend asked me, what is your experience as a teacher. My experience as a teacher is this. If you keep the age limit low, as it has been suggested by so many persons here, I submit that our educational institutions will not function in that kind of atmosphere which is needed for running the educational institutions. I do not want to elaborate that point. I have been teaching to classes which consist of boys and girls and I have some experience of institutions where you have co-education. I know all

that. I have also read books which have been published on the subject including the famous one by Judge Lindsay, published in the U.S.A. As a teacher, I would say that you should not bring down the age limit. You should keep the age limit for boys at 25 and for girls at twenty-one. Unless you do that.....

Shri Bhagwat Jha Azad (Purnea *cum* Santal Parganas): No, no.

Shri D. C. Sharma: It does not matter, because I know there are some persons who do not understand psychology. If you do not do that, I will tell you, you will be putting a premium on this course expression, with which some of my friends may be familiar, calf love. I would say that love should not be treated as a hothouse plant which springs up suddenly and which matures suddenly. Love should be taken as a plant of slow growth. Unless it has been tested by time, it should not be taken notice of.

I say, here is a measure which the hon. Law Minister has said is a reformist measure. Quite right; I agree that there are some persons who do not want to marry under the old law. We want to give them a chance to live. But, if it is a reformist measure, I would say that the Law Minister should go the whole hog and he should make it a really reformist measure. He should not make it a measure of compromise: half of orthodoxy and half of reform or 75 per cent of orthodox and 25 per cent of reform.

Acharya Kripalani (Bhagalpur *cum* Purnea): Mixed economy.

Shri D. C. Sharma: There may be mixed economy in industry. There cannot be mixed economy in marriages, mixed economy in that sense. I would therefore say that the voice of experience dictates, our knowledge of other sciences dictates that the age limit for boys should be put at 25 and the age limit for girls should be twenty-one and that there should be no question of consent of the guardian which, I think, will be a very very harsh thing today.

Shri A. P. Sinha: I beg to move:

"That the question be now put."

Mr. Chairman: There is a motion.

"That the question be now put."

I think there has been sufficient discussion. I will put that motion to the House. That would only mean that the amendments which are under discussion will be put to the House after this motion is passed: not that the whole clause will be put before the House. The question is:

"That the question be now put."

"That the question be now put."

Mr. Chairman: I will try to put these amendments serially. I will put each amendment separately, because they are of different kinds. I will take up amendment No. 60.

Some Hon. Members: They should be read also.

Mr. Chairman: The question is:

In page 3, *for* line 6, *substitute*:

"(c) the parties have completed the age of twenty-one years and the difference of age between the parties does not exceed fifteen years;"

The motion was negatived.

Mr. Chairman: Then, we take up 61.

Shri Biswas: I thought, if I may say so, Sir, that I would be given a chance to reply after you accept the closure.

Mr. Chairman: Certainly. I would say that I had no desire to exclude the Law Minister from making a reply. Normally, I should have called upon him. But, he had said that he left it to the House and I therefore thought that probably he did not want to speak.

Shri Biswas: I only wanted to make the matter easier.

Shri V. G. Deshpande: What about this amendment?

Mr. Chairman: I think it may stand. It does not matter. There are so many amendments of the same nature.

Shri V. G. Deshpande: It should be put again.

Shri Biswas: I was only submitting that I would place the matter in an easier form before the hon. Members so that they may follow how it stands. I have, for instance, made a table as to which amendments are of a similar nature and so on. If I give that information, it will be helpful to the House. I have divided the amendments into different categories. One category wants twenty-one years and a disparity of the age between the two not to exceed fifteen. That is amendment No. 60. Other amendments which suggest twenty-one for the man and eighteen for the woman are: Nos. 61, 109, 227, 111 and 30. Then, amendments which suggest eighteen are: Nos. 108, 110, 182, 62, and 298 (in List No. 7. You will find it in the second Consolidated List).

An Hon. Member: What about Amendment No. 112?

Shri Venkataraman: It is also included in Amendment No. 62.

Mr. Chairman: I think they are the same.

Shri Biswas: I did not take it separately. Sixty-two includes that, yes.

Then, there are some amendments which say the age should be eighteen, but only the male has to obtain consent if he is below twenty-one, *i.e.*, amendment No. 108. It says, age eighteen for both, but consent only for the male if he is below twenty-one. Amendment No. 110 wants eighteen, but consent in the case of both if below twenty-one. Amendment No. 182 is the same as amendment No. 108—only male has to obtain consent if below twenty-one. Also amendment No. 298—eighteen subject to consent.

Mr. Chairman: I find a reference is made to some of the amendments which, I am told, have not been moved. The only amendments moved are: 60, 61, 108, 109, 182, 229.... (*Interruption.*)

Shri Biswas: I thought all the amendments in the list had been moved. I am taking the amendments which appear in the list. I did not follow which of these amendments had been actually moved.

Then, there are some special amendments regarding disparity of age. Amendment No. 60 says: difference not to exceed fifteen. Same with amendment No. 294, difference not to exceed fifteen years. Amendment No. 341—there also the difference is not to exceed fifteen years.

Then, other ages have also been suggested. For instance, amendment No. 229 of Shri Frank Anthony—male eighteen but not twenty-one, female fifteen but not twenty-one, that is to say, without consent. If you are above twenty-one, no consent, but if you are below twenty-one, you require consent of father, guardian of the person or of mother. Amendment No. 341 also suggests disparity of fifteen years between the ages of the two parties.

Mr. Chairman: Where is 341?

Shri Biswas: It has not been moved.

And, then, Mr. Sadhan Gupta—Amendment No. 424. Has he moved that? It is not moved. I need not deal with that.

These are the ....

Shri N. C. Chatterjee: What about the progressives? I wanted the age to be raised. Amendment No. 183.

Shri Biswas: Then the other class of amendments. Amendment No. 228 that is to say, male twenty-four, female twenty-one.

Mr. Chairman: Amendment No. 228 is also not there.

Shri Biswas: Not moved, I see.

Mr. Chatterjee's amendment, *i.e.*, No. 183. He suggests twenty-five.

Amendment No. 423 has not been moved. It also asks for twenty-five for males and twenty-one for females, but that has not been moved.

As you pointed out, this question of minimum age for marriage we have been debating for about five hours and a half now.

The first question which arises is whether there should be a minimum age prescribed at all. If so, whether it is to be by legislation, or it should be left to the discretion of the parties in every individual case—that is the next question. Then, if by legislation, should it be directory or mandatory—that is the third question.

Now, on this question as to whether there should be a minimum age, so far as the Special Marriage Act is concerned, there has been a minimum age prescribed since 1872. So, for nearly eighty years....

Some Hon. Members: Eighty-two years.

Shri Biswas:...this rule has been there and has been found working quite all right. Some hon. Members wanted to know the figures showing at what age marriages are actually solemnized under the Special Marriage Act. Unfortunately, such statistics are not obtainable, for the very simple reason that the declaration which was required to be given by the parties under that Act merely provided that the bride and bridegroom must both say that they had completed the respective ages prescribed. In the case of the bride, the age was lower, while in the case of the bridegroom it was a little higher. The bridegroom had to say, 'I have completed my age of eighteen years,' while in the case of the bride, she would have to say, 'I have completed my age of fourteen years.' What exactly is their actual age is not required to be stated, and therefore, we have no statistics to show whether the marriages took place at the age of fourteen, which was the minimum age for the bride, or above, or at the age of eighteen which was the minimum in the case of the bridegroom, or above. We have not got those figures.

Now, what should be the minimum age? On that point, opinions are bound to differ, as is reflected in the debate in this House over this question. It will all depend upon the view you take of the whole matter, your concept of marriage, and the basic considerations which ought to guide you in coming to a decision on this question. As my hon. friend Dr. Jaisoorya has said, there are several aspects. The biological aspect is one, the social aspect is another, and so on.

Shri N. C. Chatterjee: You added the emotional also.

Shri Biswas:...or whatever it is. It all depends upon the angle of vision from which you look at it.

Take the Hindu law, for instance. The ancient Hindu law did not prescribe a minimum age at all; it only prescribed the maximum. A girl must be married before she attains puberty, and if the father does not give her away in marriage even after she has attained puberty, she is given the liberty to marry herself without the father's consent or authority. So, the minimum age was not prescribed, and it was regarded as the most meritorious act if a father gave away his girl in marriage, at the age of nine or ten. What was behind it? This is not something which we can simply dismiss as....

Shri N. C. Chatterjee: Antediluvian.

Shri Biswas:...antediluvian or mediaeval or something like that. There was a good deal of reason behind it. After all, what was the conception of marriage in those days? A marriage which was solemnized at the age of nine or ten was not marriage in the sense in which we understand it. As a matter of fact, the idea of marriage was that it should effect a permanent union, and the most effective way of securing that object would be to bring a girl into the family at an age when she will unconsciously feel as if she was a limb of that family, a member

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of that family as, if she was born into that family. That was the idea. In order to secure that closeness...

Shri N. C. Chatterjee: Grafting.

Shri Biswas:.. of tie between the bride and bridegroom, this was the expedient resorted to. It was grafting or transplanting, if you like to put it that way. If you want to graft a branch of one tree into another, you do not take the...

Shri A. M. Thomas (Ernakulam): you do not take the old.

Shri Biswas:...old. That means that grafting is always with fresh material. So, the younger you marry the girl and get her over to the bridegroom's family, the better. But although the marriage took place at nine, the bride and bridegroom did not come together in the sense in which parties to a marriage come together now, till the girl had attained puberty, and even after that, till three years had passed since the attainment of puberty. And there were ceremonies actually performed to mark these different stages. So, at the time the girl was mature enough for maternity, she was sufficiently old, and the bridegroom also had grown sufficiently old by that time. By way of interesting information, which I just collected the other day, I may say....

Shri B. S. Murthy: Does the hon. Law Minister know that in those marriages, the girl, even though she was married at the age of nine, was not brought into her father-in-law's family, until she had given birth to three or four children?

Shri Biswas: That is what I am pointing out. Although there was the formal marriage solemnization, she was not brought into that house until some time after that. The parties did not come together soon after marriage. That is the idea. (*Interruptions*)

Mr. Chairman: The hon. Minister is only giving some information.

Shri Biswas: Acharya Kripalani has suggested the age of thirty-five. Well, some of us were inclined to laugh it away, and we were actually citing Shrimati Sucheta Kripalani as the best witness against him. As a matter of fact, when I was reading this book I found that something like that was actually the age which was prescribed for males, according to our *shastras*. It was pointed out also that the law of eugenics was nowhere studied more carefully than here.

An Hon. Member: What is that book?

Shri Biswas: This is Jayaswal's book on Manu and Yagnavalkya. I shall read the whole paragraph, which is as follows:

> "Modern statistics have shown that a young man produces the maximum of bad and the minimum of good children, while a young woman produces the greatest number of good and the smallest number of bad children. A disparity between the ages of the husband and wife so arranged, that when a man is fully matured and the woman, young, produces the least number of wicked citizens. The Manava Code fixes the age of marriage at thirty for the man and twelve for the girl, that is, at the age of motherhood, the girl would be about seventeen or sixteen, and the man thirty-five."

Incidentally, I may say that thirty-five is the age which has been mentioned by my hon. friend Acharya Kripalani. Jayaswal continues:

> "Other age limits are so arranged that a man could not be a father before the age of thirty-two. There is evidence that the girl's age was lowed by Kautilya, on account of a policy for population."

So, you see that there is authority in our old *shastras* for some of the suggestions which have been made on the floor of the House today.

Shri S. S. More: They are standing by the old authority. There is nothing else.

Shri Biswas: That was the actual practice that was followed in those days.

Shri S. S. More: But the social conditions were entirely different.

Shri Biswas: Exactly. I am not suggesting that the social conditions have not changed. But I am pointing out that...

Shri G. P. Sinha (Palamau *cum* Hazaribagh *cum* Ranchi): On a point of information. May I know from the hon. Law Minister what the average age of modern man in India is?

Shri S. S. More: Twenty-six.

Shri Biswas: I am sorry I cannot answer that question. What I am pointing out is this. Opinions as to the proper age for marriage will differ, according to the various considerations which you apply. When you can justify the age of thirty, thirty-five, twelve or sixteen, and so on, you can justify other age-limits as well. I was only pointing out this, because I found it so interesting that I thought I should place it before you. I am not suggesting that you should follow it or that the social conditions today are such that we can adopt and adapt all that we find in those earlier days.

If the object of marriage is to produce healthy progeny, then, of course, a person will fix the age at a certain limit. If, on the other hand, the other test is applied, namely, that they should be of sufficient age to be able to realise their responsibilities and the status that they are going to acquire, and therefore, they must be old enough to understand what is marriage, what are its implications, etc., then, you must fix the age at a certain level. If a third test is applied, that the age should be fixed in accordance with existing social conditions, to which Shri Frank Anthony referred then you will have to fix the age at a certain other level.

Now, taking a realistic view of the situation, you find boys and girls coming together at a very young age. Is it right to throw them into each other's company at an immature age, so to say, and at the same time not to be prepared for the consequences? Therefore, the best thing would be to fix the age at such a limit that you can avoid the undesirable consequences, and at the same time, secure the happiness of the parties who want to contract a marriage. All sorts of arguments may be used in support of, or against, any particular view. We have got to judge the matter with reference to two important facts: this is a special marriage law which is to apply to all, irrespective of religions, and if there was a necessity for prescribing a minimum age in any law, it should be in this law. I have told you about the personal law of Hindus; You have the personal law of Muslims: there you find the attainment of puberty both for male and female as the age of marriage. The age of marriage must not be confounded with the age of majority. The Indian Majority Act expressly excludes marriage, dower, adoption and things like that from the scope of that Act. Therefore, in these matters in India, parties are at liberty to fix their own age for marriage, adoption, dower and so forth.

Pandit Thakur Das Bhargava: The Sarda Act fixes the age for everybody.

Shri Biswas: Subject to legislation of course I was going to refer to that. Under the Indian Majority Act, these matters were left out of the scope of that enactment. So far as legislation is concerned, there is the Child Marriage Restraint Act—known as the Sarda Act. There, of course, the ages were eighteen and fourteen, and the latter was subsequently amended to

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fifteen. But subject to that, the parties were left to be governed by their personal laws. Amongst Hindus, as I have said, there was no minimum age prescribed, but the maximum was laid down. Amongst Muslims, the age of attainment of puberty is the age for marriage, both for boys and girls. Then, it is interesting to find...

Shri Bogawat (Ahmednagar South): Is there no age limit there?

Shri Biswas: Attainment of puberty only; no age.

In Travancore, there is an Act and there the age for the male is twenty-one and for the female eighteen, subject to consent in the case of the female, if she is under twenty-one. Then in Bombay, under the Anti-Bigamy Act of 1946, a 'minor' is defined as a boy or girl under sixteen, and it is only if they are not minors that they will be competent to marry, that is, the minimum age would be sixteen in that way. Then the Madras Act imposes a penalty if anyone marries who is under eighteen; so there eighteen is the minimum age. Then under the Indian Christian Marriage Act, which was referred to by Shri Anthony, the man is to be above sixteen and the woman thirteen. In the Christian Marriage Act, there is no provision regarding the age of consent, but it is to be determined according to the law as in England at the time of the marriage. The law in England has undergone a change. Now, the English law, following the canon-law in this respect, originally prescribed fourteen as the age of marriage for boys and twelve as the age of marriage for girls. Under the recent Act, the English Marriage Act of 1949, sixteen is the age for both. Under English law where either party is a minor, consent of parents or guardians is required.

Shri S. S. More: If the consent is unnecessarily refused, then the consent of the court.

Shri Biswas: That is under the new Act. But so far as the cases under the old law are concerned, what I find is this, that the requirement of consent has been held to be merely directory and want of consent would not generally nullify the proclamation of banns.

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Shri N. C. Chatterjee: That is so even under the Sarda Act.

Shri Biswas: It does not render the marriage invalid. Sarda Act imposes a penalty.

On this question of consent, it may be asked, 'Well, why should there be consent?' As a matter of fact, I believe my friend, Dr. Jaisoorya, suggested that there should be as few impediments in the way of marriage for the sake of the happiness of the parties as possible. In this connection, I might just quote a very interesting extract from Sir William Jones'. He was actually talking about the Hindu law of guardianship in marriage. He said:

> "All unnecessary restraints upon love, which contributes so largely to relieve the anxieties of a laborious life, and upon marriage, which conduces so eminently to the peace and good order of society are odious in the highest degree".

At the same time, he says:

> "Yet at Athens, whence arts, law, humanity, learning and religion are said to have sprung, a girl could not be legally united with the object of her affection without the consent of her *controller*, who was either her father or her grandsire or brother or her guardian".

So the necessity of a guardian was recognised as early as that in Greece itself.

Pandit K. C. Sharma (Meerut Distt.-South): Woman is much more old now; she does not need a controller.

Shri Biswas: If the minimum age is fixed—whatever the figure may be—and then if the party, although satisfying that requirement, is still under a particular age, you should obtain consent. That meets the objection.

One of the considerations suggested for the age of marriage is that you must be old enough to realise the responsibilities of the act. If you think eighteen—or whatever you may fix—is much too low for that purpose, bring in the guardian who will advise the parties, and they should act with the consent of the guardian. That is the only object for which consent is required; otherwise, if you think eighteen is an age at which a man or woman is old enough to understand what he or she is doing, then of course the question of consent does not arise. It is not like fixing the age of majority for other purposes, as under the Indian Majority Act. But this is something which affects the happiness and future life of the two parties and, therefore, they must certainly realise the consequences and the implications of the step they are taking. If you think that the age you fix, the minimum age, is not sufficiently high for that purpose, then require the consent of the guardian. That is the idea. If you make it twenty-one or twenty-four or twenty-five, certainly the question of obtaining the consent of anybody else does not arise.

These are the matters which I wanted to place before the House. As I said, after all, the House will have to decide. There are different opinions and we shall follow the opinion of the majority as reflected here.

Shri Lokenath Mishra (Puri): What is your final opinion?

Shri Biswas: So far as my opinion is concerned, it is embodied in the Bill as it was introduced—eighteen, subject to consent if the parties are below twenty-one. That was accepted by the Joint Committee; that was reversed by the Council of States, as it was then called. I hold by the opinion which was embodied in the Bill as introduced and Mr. Venkataraman has given notice of an amendment which seeks to restore the provision in the original Bill.

Shri Lokenath Mishra: Good. Then we will vote for it.

Shri N. C. Chatterjee: May I suggest one course? Would it not be better if, in putting the amendments to the vote of the House, you start with the older age-limit? Somebody has suggested twenty-five. You will put that to the vote first; if it is not carried, then you take up the amendment for twenty-one; if it is not carried, then go to eighteen.

Shri Venkataraman: Mr. Chairman, on the other hand, I would suggest that you put the lower age-limit and if it is not carried.....

Mr. Chairman: I think the much better course would be to put them one after another.

Pandit Thakur Das Bhargava: Supposing more than one amendments are carried? So, only such amendments should first be put as would not eliminate others.

Mr. Chairman: I do not think it will be so. I have ascertained that there are only a few which are identical. I have already put amendment No. 60 to the vote. I will now put amendment No. 61.

The question is:

In page 3, *for* line 6, *substitute*:

"(c) the male has completed the age of twenty-one years and the female the age of eigteen years."

The Lok Sabha divided: *Ayes* 118; *Noes* 106.

Division No. 1] **AYES** **[11-07 a.m.**

Achalu, Shri
Altekar, Shri
Amrit Kaur, Rajkumari
Asthana, Shri
Baldev Singh, Sardar
Barupal, Shri P. L.
Basu, Shri K. K.
Bhargava, Pandit M. B.
Bhargava, Pandit Thakur Dass
Bhatkar, Shri
Buchhikotaiah, Shri
Chakravartty, Shrimati Renu
Chandak, Shri
Charak, Th. Lakshman Singh
Chatterjea, Shri Tushar
Chatterjee, Shri N. C.
Chaudhuri, Shri T. K.
Chowdary, Shri C. R.
Chowdhury Shri N. B.
Dabhi, Shri
Das, Shri B. C.
Das, Shri K. K.
Deogam, Shri
Desai, Shri K. K.
Desai, Shri K. N.
Deshpande, Shri G. H.
Deshpande, Shri V. G.
Dholakia, Shri
Digamber Singh, Shri
Dube, Shri U. S.
Elayaperumal, Shri
Gadgil, Shri
Gandhi, Shri M. M.
Gidwani, Shri
Gupta, Shri Sadhan
Gurupadaswami, Shri M. S.
Hari Mohan, Dr.
Hembrom, Shri
Hukam Singh, Sardar
Hyder Husein, Ch.
Jagjivan Ram, Shri
Jaisoorya, Dr.
Jajware, Shri
Jangde, Shri
Jena, Shri K. C.
Jena, Shri Niranjan
Joshi, Shri Jethalal
Joshi, Shri M. D.
Kasliwal, Shri
Katham, Shri
Kelappan, Shri
Keskar, Dr.
Khare, Dr. N. B.
Kirolikar, Shri
Kripalani, Shrimati Sucheta
Kureel, Shri B. N.
Lal, Shri R. S.
Mahtab, Shri
Majhi, Shri R. C.
Mandal, Dr. P.
Mehta, Shri Asoka
Misra, Shri B. N.
Missir, Shri V.
Mohd. Akbar, Sofi
More, Shri K. L.
More, Shri S. S.
Mukerjee, Shri H. N.
Mukne, Shri Y. M.
Murthy, Shri B. S.
Muthukrishnan, Shri
Nanadas, Shri
Narasimham, Shri S. V. L.
Nayar, Shri V. P.
Palchoudhury, Shrimati Ila
Pannalal, Shri
Parekh, Dr. J. N.
Patel, Shri B. K.
Patel, Shrimati Maniben
Patil, Shri Kanavade
Patil, Shri Shankargauda
Raghavaiah, Shri
Raghubir Sahai, Shri
Ramananda Tirtha, Swami
Ramnarayan Singh, Babu
Ranjit Singh, Shri
Rao, Diwan Raghavendra
Rao, Dr. Rama
Rao, Shri Gopala
Rao, Shri K. S.
Rao, Shri Mohana
Rao, Shri T. B. Vittal
Reddi, Shri Eswara
Reddy, Shri Viswanatha
Rishang Keishing, Shri
Sahu, Shri Bhagbat
Saigal, Sardar A. S.
Sanganna, Shri
Sen, Shrimati Sushama
Shah, Shri R. N.
Shahnawaz Khan, Shri
Shivananjappa, Shri
Singh, Shri Babunath
Singh, Shri M. N.
Singh, Shri R. N.
Singh, Shri T. N.
Sinha, Shri Anirudha
Sinha, Shri Jhulan
Sinha, Shri Nageshwar Prasad
Swami, Shri Sivamurthi
Swaminadhan, Shrimati Ammu
Tewari, Sardar R. B. S.
Thomas, Shri A. M.
Trivedi, Shri U. M.
Tulsidas, Shri
Vaishya, Shri M. B.
Velayudhan, Shri
Vishwanath Prasad, Shri
Waghmare, Shri

NOES

Achuthan, Shri
Agarwal, Shri S. N.
Agarwal, Shri H. L.
Agrawal, Shri M. L.
Ajit Singh, Shri
Akarpuri, Sardar
Alagesan, Shri
Anandchand Shri
Anthony, Shri Frank
Azad, Maulana
Azad, Shri Bhagwat Jha
Bansal, Shri
Barman, Shri
Barrow, Shri
Bhagat, Shri B. R.
Bharati, Shri G. S.
Bhatt, Shri C.
Bidari, Shri
Bogawat, Shri
Borooah, Shri
Brajeshwar Prasad, Shri
Chanda, Shri Anil K.
Das, Shri B. K.
Deo, Shri R. N. S.
Deshmukh, Shri C. D.
Dhusiya, Shri
Dube, Shri Mulchand
Dubey, Shri R. G.
Dwivedi Shri D. P.
Dwivedi, Shri M. L.
Eacharan, Shri I.
Gandhi, Shri V. B.
Garg, Shri R. P.
Ghulam Qader, Shri
Giridhari Bhoi, Shri
Gopi Ram, Shri
Iqbal Singh, Sardar
Iyyunni, Shri C. R.
Jatav-vir, Dr.
Jayashri, Shrimati
Joshi, Shri Liladhar
Joshi, Shri N. L.
Joshi, Shrimati Subhadra
Jwala Prashad, Shri
Karmarkar, Shri
Khedkar, Shri G. B.
Khongmen, Shrimati
Koley, Shri
Krishna, Shri M. R.
Krishna Chandra, Shri
Krishnamachari, Shri T. T.

Lakshmayya, Shri
Lallanji, Shri
Mahodaya, Shri
Malaviya, Shri K. D.
Malliah, Shri U. S.
Malvia, Shri B. N.
Malviya, Pandit C. N.
Mascarene, Kumari Annie
Masuriya Din, Shri
Mehta, Shri Balwant Sinha
Mishra, Shri S. N.
Mishra, Shri L. N.
Misra, Shri R. D.
Nair, Shri C. K.
Natesan, Shri
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Pandey, Dr. Natabar
Pant, Shri D. D.
Pawar, Shri V. P.
Pocker Saheb, Shri
Prabhakar, Shri Naval
Prasad, Shri H. S.
Radha Raman, Shri
Raghavachari, Shri
Raj Bahadur, Shri
Ram Dass, Shri
Ramaswamy, Shri S. V.
Ranbir Singh, Ch.
Rane, Shri
Raut, Shri Bhola
Reddi, Shri Ramachandra
Satish Chandra, Shri
Sewal, Shri A.R.
Sharma, Pandit Balkrishna
Sharma, Shri D. C.
Sharma, Shri K. R.
Sharma, Shri R. C.
Shobha Ram, Shri
Siddananjappa, Shri
Singh, Shri D. N.
Singh, Shri H. P.
Singh, Shri L. Jogeswar
Sinha, Shri A. P.
Sinha, Shri G. P.
Sinha, Shri Satya Narayan
Sunder Lal, Shri
Tiwary, Pandit D. N.
Upadhyay, Shri Shiva Dayal
Upadhyay, Shri S. D.
Varma, Shri B. B.
Verma, Shri M. L.
Venkataraman, Shri
Vidyalankar, Shri A. N.
Wodeyar, Shri

The motion was adopted.

Shri S. V. Ramaswamy (Salem): May I suggest a verbal amendment? The word "years" may kindly be added so that the amendment may read "the male has completed the age of twenty-one years and the female the age of eighteen years;".

Pandit Thakur Das Bhargava: This is the amendment that I have given notice of; it is No. 227.

Mr. Chairman: Order, order. I am afraid the passing of this amendment bars the other amendments regarding age limit.

Shrimati Renu Chakravarty (Basirhat): Amendment No. 108 has to be pressed because there is a proviso that if the man has not completed the age of twenty-one years, he shall have obtained the consent of his guardian.

Mr. Chairman: I am afraid that also is barred.

Shri Venkataraman: In view of the amendment which has just now been carried, I seek your permission to move my amendment No. 295 in a modified form.

An Hon. Member: It is also barred

Shri Venkataraman: It is not.

Mr. Chairman: Let me get the amendment first.

Shri Venkataraman: On page 2 of list No. 7, my amendment No. 295, says: "(cc) each party, if he or she has not completed the age of twenty-one years....." In substitution of this, I want to move:

> "(cc) where the female has not completed the age of twenty-one years, she has obtained the consent of her guardian;
>
> Provided that no such consent shall be required in the case of a widow, widower or divorcee;"

Mr. Chairman: I would like the hon. Member to pass on that amendment to me.

Shri Venkataraman: Yes, Sir. This has become consequential on the amendment which has been accepted by the House. The object of moving this amendment is to see that girls, who are now entitled to marry at the age of eighteen, do get the consent of their parents or guardians before they complete the age of twenty-one. We have only fixed so far, by this amendment, the age of marriage of the parties, and it is still open to this House to consider the other amendment as to whether the girl at the age

[Shri Venkataraman]

of eighteen should be allowed to marry without the consent of her parent or guardian. My submission to the House is that if the girl has not completed the age of twenty-one she should still get the consent of her parent or guardian if there is any for that purpose.

Mr. Chairman: I would like to have the amendment written out and sent to me.

Pandit Thakur Das Bhargava: No new amendment at this stage should be allowed.

Mr. Chairman: Let me first have a copy of the amendment.

Shri S. S. More: May I rise on a point of order? We are now considering the amendments in *seriatim* as you were pleased to say. Many of us desired that Mr. Frank Anthony's amendment ought to have been put to vote first. Leaving that question aside, is it permissible for hon. Members to suggest any amendment which is likely to modify or soften or dilute the amendments which we have already passed.

Mr. Chairman: The fact is that by the passing of amendment No. 61, all the other amendments relating to age limit are barred, but the hon. Member, Shri Venkataraman wants the permission of the Chair to move a new amendment.

Shri S. S. More: Should that permission be given?

Mr. Chairman: I will first get the copy of the amendment and read it. I do not understand why Members should get excited.

The hon. Member, Shri Venkataraman, has asked for permission to move an amendment in view of the decision arrived at by the House with regard to amendment No. 61. It reads:

In page 3, *after* line 6, *insert*:

"(cc) where the female has not completed the age of twenty-one years, she has obtained the consent of her guardian:

Provided that no such consent shall be required in the case of a widow, widower or divorcee;"

An Hon. Member: "Widower or divorcee" is not called for.

Mr. Chairman: I would not hastily try to arrive at a decision in the matter. All other amendments are barred and there is only one amendment for which permission is being sought from the Chair for introducing it. I will consider it and give my decision tomorrow.

Shri K. K. Basu (Diamond Harbour): Let this be summarily rejected.

Mr. Chairman: Consideration of clause 4 is not yet over.

Shri Gadgil (Poona Central): Since you have postponed this particular amendment for consideration tomorrow, is it open to any of the Members to suggest amendments to this? There may be some others who may like the guardianship to be restricted to parents only in this particular case.

Mr. Chairman: If at all I allow the amendment to be moved, then, the amendments may be moved.

Shri S. S. More: Can we bring an amendment that even when a male who has completed 21 years—if he is between 21st and 25th years or even within his thirtieth year—he must also obtain the consent of somebody?

Mr. Chairman: It will be better to discuss it tomorrow.

Shrimati Renu Chakravartty: There will be a lot of amendments tomorrow if we permit this.

Shri Frank Anthony (Nominated-Anglo-Indians): I have an amendment

which is something to this effect, but not quite to this effect. I want your permission to submit that amendment in writing. The amendment which I wish to submit, will not in any way cut across the amendment which has been adopted. My amendment says that a girl who has completed 15 years of age and who has not completed 18 years, may marry, provided she secures the consent of the parent or guardian. It is not barred.

Mr. Chairman: It is barred.

Shri Frank Anthony: It is not barred. The amendment which my friend purported to move is barred, because the amendment which has been adopted is cutting across: where for a girl of 18 no consent is required, and where, for a boy who has attained the age of 21, no consent of any description is required. I am not cutting across that position. But I say that a girl who has attained the age of 18 may marry a boy between 18 and 21 provided he gets the consent of the parent or guardian. This does not in any way offend the amendment, while his does offend the amendment so far as the girls are concerned.

Pandit Thakur Das Bhargava: The decision that the House has taken is that the boy must have completed the age of 21 and the girl, 18. This is absolutely unconditional. Now, all amendments seeking the permission of the guardian or seeking a marriage of girls below the age of 18 or of the boys who are less than 21 are absolutely barred. If we proceed logically and strictly all these do not arise. The age-limit is there and those two conditions must be fulfilled. We have carried that amendment. Therefore, my humble submission is that this present amendment by Shri Venkataraman and the proposed amendment by Shri Anthony are both barred.

Sardar Hukam Singh: I suppose the amendment that has been proposed by Shri Venkataraman is quite in order. It is not barred, though we have adopted the amendment of Pandit Thakur Das Bhargava. We must look to the provisions that are contained in sub-clause (c) of clause 4. It says: "the parties have completed the age of twenty-one years." That has been now amended and passed. But this provision, namely, "the parties have completed the age of twenty-one years," was previously different in the report of the Select Committee. Afterwards, this was amended. Now, by the amendment that we have adopted just now, we have amended that sub-clause only. So far as this is concerned, that is, that each party, if he or she has not completed the age of 21 years and has obtained the consent of the guardian for the marriage, it is a different matter altogether. It is a different clause.

Shri A. M. Thomas: The hon. Member is referring to the Bill as reported by the Select Committee. The Bill is now being considered as passed by the Council of States.

Sardar Hukam Singh: Yes; we have passed the provision regarding the age at which the couple want to marry. But so far as the conditions under this age are concerned, that is, whether the party shall be required to obtain the consent of the guardian or the parent, that is quite a different matter. If we put in this condition, that so far as the girl is concerned—if she is between 18 and 21—then the consent would be required, it is different affair altogether. It is not barred under the amendment that we have just adopted.

Mr. Chairman: Whether permission should or should not be given, is the question.

Shri S. S. More: You have reserved or deferred permission. I propose to bring to your notice that this clause (c) as it stood in the Bill originally was:

> "the parties have completed the age of twenty-one years."

This has been now replaced by the amendment which has been adopted

[Shri S. S. More]

by the House just now. The amendment which is now proposed and for which information is being sought, comes in, in all its real significance, as a sort of proviso to sub-clause (c). Sub-clause (c) has already been passed in its entirety. Can we tack on to it something else? If, when the amendment was being discussed, and before it was put to vote, some amendments to that original amendment had been moved, then, it would have been perfectly in order. But when once an amendment has been passed, simply saying, 'let sub-clause (cc) be there,' is not proper. We have to look into the purpose and intention of that amendment, and see how it will affect the original provision. This is not the way in which it should be couched for the purpose of getting your permission and passing muster. So, I would say that once sub-clause (c) has been effectively passed by the considered vote of this House, then, no modification of that clause (c), or deletion or watering down shall be permitted, because that will be going against the mandate of this House. So, no other suggestion can be permitted, whether it comes immediately after, or subsequently. There is the rule of procedure that when we have arrived at any particular decision and subsequently some amendments have been moved or even moved earlier, then, that subsequent amendment, in virtue of our previous decision, will be knocked out. This is a very important matter. If, unfortunately, you give permission to it, it will open the doors for so many other amendments, and the sanctity of our decision, even if it is wrong from the point of view of some Members here, should not be disturbed as it is being sought to be disturbed. Let the girl of 18 years marry without any restriction on her right to marry. That is the intention which has been demonstrated before this House by that vote. Against that intention, something is being smuggled in to modify that. That should not be permitted. Otherwise, Shri Frank Anthony will be perfectly entitled to say that he is in the same position as Shri Venkataraman, if permission is granted to Shri Venkataraman to move that amendment. Then, there will be also new provisions coming. Then, you will have to say, in the interests of equality, that anybody can move an amendment. That will be unfair to all of us.

Shri Bogawat: What is suggested by Shri More is not quite correct, because, this amendment does not come in the way of sub-clause (c). It is a different amendment altogether. It is sub-clause (cc). What he has suggested is not by way of proviso but as an independent amendment in that clause. If we pass that clause (c), just as we have done, that amendment does not come in the way. So, Mr. More's objection that the amendment should not be allowed, is not correct, because it is a different clause altogether. It is sub-clause (cc). It is not an amendment to sub-clause (c), but is a different amendment adding a sub-clause in clause 4, that is sub-clause (cc). So my submission is that, as Shri Venkataraman has suggested, another clause,—sub-clause (cc)—in clause 4 should be kindly considered.

Shri Biswas: There is no necessary connection between the amendment which the House has accepted and the further amendment which my hon. friend, Shri Venkataraman, has asked for permission to move. The question of consent is not at all dependent on the question of the minimum age for marriage. We might have a fixed minimum age, say, 25, and still we may provide that there shall be consent by an independent clause. Therefore, the question of consent does not at all depend on, and is not connected with, the question of the age being fixed at 18 or 21 or any other figure. That is my submission.

Shri Raghavachari (Penukonda): My submission is that this question whether the amendment is in order and is permissible or not, is being

supported and opposed not on proper consideration at all. My submission is this: When a particular amendment has been carried, the only reason why further amendments must be barred in the face of that amendment which is carried, must be that a particular thing has been specifically decided. What has now been decided is only that parties to a marriage must be of a particular age. The question whether there should be consent or no consent of another person has not at all been the subject-matter of the amendment that has been passed. When it is a question of other matters that may be urged to control the actions of the parties, it is open to the House to discuss it so long as the House has not decided upon that particular matter. Therefore, it is certainly within the rights, and the amendment can be considered under the rules. Arguments were advanced that the amendment sought would open the gates for other amendments to come. But these are extraneous for the consideration of the legality of an amendment. Even if hundred amendments are given, consider all of them and allow such of them. The House is always entitled to vote for or against them.

So, I respectfully submit that it is open to Mr. Venkataraman or any other Member to so modify or amend an amendment which he has already given which is not against the principle specifically decided upon by the House.

Shri H. N. Mukerjee (Calcutta North-East): Sir, I would like to recall to you your initial reaction which was that the other amendments were barred after the adoption of this amendment. Now that reaction was due to the fact that you had presided over the deliberations of these amendments. All these amendments were discussed together and it is definitely your conviction, as far as I can make out, that the whole point was discussed as a whole, in its entirety, by the House. The question was in regard to the desirability or otherwise of having a provision regarding obligatory consent in regard to certain people of certain age groups. It was in regard to that point that a certain amendment was placed before the House, an amendment which made it very clear that there will be no question of consent from the guardian.

That amendment has been disposed of. You have not to take note not only of all the purely technical factors, but also of the way in which this matter has been discussed in the House. I was amazed to hear the Law Minister pointing out with considerable emotion that the question of consent was not there at all. The question of consent being desirable or not was discussed throughout the proceedings and this amendment had for its specific object the elimination of any provision for consent if the girl or boy reached a certain age. I need not go into the merits of the matter; you have heard the debate and that is why I recall to you your initial reaction which was absolutely right. We should not take a purely technical view of the matter. We must remember the debate which took place and we should see that the wishes of the House are not disregarded in the manner it is sought to be done by the backdoor.

Mr. Chairman: So far as my first reaction to the other amendments is concerned, it still stands. The same amendment is not being moved. What the hon. Member now does is to seek the permission of the Chair to move a certain amendment. The only question for consideration now is whether by the passing of this amendment, No. 61, that also has been decided, and whether in such a case permission should or should not be given by the Chair. So far as this proposed amendment of Shri Venkatraman is concerned, whether leave should or should not be given to its being moved at this stage, I reserve my ruling. Excepting for that point, I think the matter has been sufficiently discussed. I shall give my ruling tomorrow.

[Mr. Chairman]

Clause 4 is still not over. We shall now proceed with the other sub-clauses.

Shri Frank Anthony: I am seeking your permission to submit a similar amendment.

Mr. Chairman: I do not prevent any hon. Member from sending any amendment. They will also be considered. I have now before me only the amendment of Mr. Venkataraman. All other matters are closed. We shall proceed with the further sub-clauses of clause 4.

Shrimati Renu Chakravartty: So any amendments given notice of us by us will be considered by you?

Mr. Chairman: But I have nothing before me except the amendment of Mr. Venkataraman.

Shri H. N. Mukerjee: We are considering a particular clause and that clause had certain amendment suggested by certain Members of the House. A particular amendment which substantially affects the quality and content of this particular clause has been adopted. Now at this point of time an hon. Member requests, and the Chair agrees, to receive further amendments. Where do we stand then? Where is the finality?

Mr. Chairman: I have not decided on anything: I have reserved my decision on that point.

Shri H. N. Mukerjee: There must be some finality somewhere.

Mr. Chairman: Why should the hon. Member take it for granted that permission has been given, when the matter has been reserved?

Shri H. N. Mukerjee: We are not going to sit for ever discussing the Special Marriage Bill.

Shri Venkataraman: There is already an amendment (No. 295) standing in my name. It is not as if I am introducing it. I redraft it in the light of the decision of the House—I am not introducing anything new.

Mr. Chairman: As I said earlier, I shall consider all that and give my decision tomorrow.

Shri H. N. Mukerjee: May we know from the Leader of the Party in power whether he has anything to say with regard to this matter?

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): Mr. Chairman, I really fail to see why any hon. Member should feel so warmly on this subject. So far as the legal matter is concerned I will say nothing. You have reserved it for your consideration: lawyers have spoken about it here. The question is that the House should decide what it wants to decide and should not normally go back on its decision. Whether this is going back or not may be considered either from the point of view of law or on the merits. You have yourself said that you are going to consider this matter. If there is no contravention of any legal matter in this, the House will decide. It will accept it or throw it out. I do not see myself how it comes in the way of the previous decision.

Shri N. C. Chatterjee: In legal language the whole issue is *res-judicata*. What Mr. Venkataraman is doing is accepting the decision of the House as correct and final and is only adding some kind of a proviso.

Mr. Chairman: That means the other amendments are barred.

Shri M. S. Gurupadaswamy: Before you go to other amendments I may point out that I have got an amendment (No. 294) and in the light of the amendment that has been accepted by the House. I may be allowed to move the latter part of it.

Mr. Chairman: I have already decided about it. All the other amendments, except the one for which permission has been sought by Shri Venkataraman are barred.

Shri M. S. Gurupadaswamy: He is permitted to move his amendment; I am equally entitled to move mine.

Mr. Chairman: It is perfectly open to any hon. Member to ask for permission. But unless it comes to me, how am I to consider it and decide on it. If anybody wishes that he has any suggestions to make they may make them and we shall consider them.

Let us now proceed to clause 4(d). Those hon. Members who want to move their amendments to this clause may get up and move them

Shri Sadhan Gupta: I beg to move:

In page 3, *after* line 8, *add*:

"Provided that a marriage between persons within the prohibited degrees of relationship may be solemnized under this Act if the law or any custom or usage having the force of law, governing each of them permits a marriage between them; and".

Shri Bogawat: I beg to move:

In page 3, lines 7 and 8, *after* "relationship" *insert*:

"unless the law, any custom or usage having the force of law governing them permits of a marriage between them".

Mr. Chairman: I take it that the amendments moved are only the above, namely, 425 and 114 and that all the other amendments are not moved.

Mr. Chairman: Amendments moved:

(i) In page 3, *after* line 8, *add*:

"Provided that a marriage between persons within the prohibited degrees of relationship may be solemnized under this Act if the law or any custom or usage having the force of law, governing each of them permits a marriage between them; and"

(ii) In page 3, lines 7 and 8, *after* "relationship" *insert*:

"unless the law, any custom or usage having the force of law governing them permits of a marriage between them".

Dr. Rama Rao: Mr. Chairman, I have moved my amendment. No. 113 to sub-clause (d) of clause 4. The amended clause will read like this: "provided the parties are not within the degrees of prohibited relationship unless the law or any custom or usage having the force of law, governing each of them permits of a marriage between the two." My amendment seeks to permit people already following certain customs to register their marriages under this Act. Clause 15 of this Bill admits such a course of action after the normal ceremony of marriage is over. As far as this is concerned it does not prohibit marriages between certain relations.

I want to appeal to our North Indian friends not to have a stone curtain before their eyes but to see beyond the Vindhyas and understand the customs and laws of the South Indians. Most of our thinking is conditioned by things we are used to. People in South India marry their maternal uncles' daughters. That is a very common thing but the wonderful list of prohibited relationship prohibits such marriages. This law prevents such marriages. It is not abnormal and therefore, I request my North Indian friends not to see things through their limited glasses only. Customs differ; habits differ. Therefore, if you give permission for people to marry under one system of law, why do you not allow them to marry under another system provided they like to? I am not saying that all the Hindu marriages should be registered here. Those that want to marry under the old system with bands, fire-works and all the other ceremonies with a large expenditure—let them marry by all means. But, there will be a large number of peo-

[Dr. Rama Rao]

ple who will avail of this, according to me, because of the economy and simplicity of the marriage. The hon. Minister of Law is standing in the way of performing marriages under this Act just because he has certain prejudices and he goes to the extent of saying "promiscuous living together". I protest most vehemently against this reckless use of words against a certain.....

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Shri Biswas: I referred to what Mr. Anthony said....

Dr. Rama Rao: Then I stand corrected. The point I am trying to emphasise is this. Most of our thinking is conditioned by things with which we are accustomed. I can give an illustration. Mr. Chatterjee is here. For a South Indian Brahmin eating fish is unthinkable; he thinks it is absurd to call a person Brahmin if he eats fish. If our friend, Mr. Chatterjee consumes fish.....

Shri N. C. Chatterjee: Nothing; I am an absolute vegetarian...

Dr. Rama Rao: It may not be this Chatterjee. I am speaking of the Bengali Brahmins who, quite well, consider themselves to be the custodians of Brahminism. I am not against fish or Bengal; I like them both and the Bengalis have played a great role in the revolution. But my point is this Just as the thinking of the South Indian Brahmin is limited by things he is used to, so also the North Indians, including Mr. Biswas, have conditioned their thinking in the light of things they are accustomed to.

Take another instance: If I tell a South Indian lady—a village woman—that our Punjabi sisters are wearing pyjamas, she will not at first believe me; she may say: it is quite immodest, indecent and she will even go to the extent of saying that it is to some extent even immoral: that is their prejudice; it is so because a South Indian village woman has never heard of a lady wearing pyjamas. Her thinking is conditioned by things to which she is used. Similarly, the thinking of our hon. Law Minister and many of our North Indian friends is conditioned by things they are accustomed to. I request them therefore to see beyond the stone curtain of Vindhyas and to give permission to them also to marry if they choose to do so under this Act.

Of course, you may say that if they want to marry they can do so under other laws. My point, as I have already tried to emphasise is this. Marriages are usually very costly. I think that about fifty per cent. of the marriages end in debts. So much money has to be spent for the sake of dignity. People who marry so sometimes take ten or twenty years and more to come out of these debts. This Act will enable people to marry probably within five or ten rupees. I therefore request the hon. Law Minister to accept my amendment.

I am just copying the words which he himself used in another clause. Marriages can be performed under the normal procedure and then they can be registered under clause 15. I want you to extend the same privilege to people who want to marry under this law.

Now I come to Eugencies. They have not absolute or positive proof in aid of their prejudice. There are two views: two different views only; there is no positive proof to show that these marriages are undesirable or are harmful. Even according to the theory of genes—in fact there are scientists who question it—even according to that theory the chances are fifty-fifty. There is a concentration of genes. We are not a scientific body deciding eugenics here. If it is a scientific body or if the Law Minister has suddenly become scientific and wants to enforce marriages on scientific lines he should ban all such marriages. He should prohibit them. But is he doing it? He is not. He is only putting

a premium on economy, simplicity, on what I may call freedom.

Therefore, I strongly request the hon. the Law Minister and our North Indian friends to accept my amendment (No.113) so that more people will be enabled to marry under this law.

Shri Biswas: Having regard to the remarks of my hon. friend it is just as well that I should make the position clear, because otherwise speeches on that line will go on and we shall be losing time for nothing.

I shall explain why it is that this provision cannot be accepted by Government.

We may see that in clause 15 the provision has already been made by the other House—it refers to registration of marriages—when laying down the conditions which must be fulfilled before a marriage may be registered, that "the parties are not within the degrees of prohibited relationship, unless the law or any custom or usage having the force of law, governing each of them permits of a marriage between the two". In other words, if there has already been a marriage performed in accordance with customary rules, that marriage will be regarded as a valid marriage. But as regards new marriages which are going to be solemnized for the first time under this Act, we say that we shall not permit any customary variation, we shall lay down certain conditions and one of them will be that the parties must not be within the prohibited degrees of relationship as defined in this Bill. If that condition is not satisfied, the marriage will not be a valid marriage. Clause 4(d) refers to post-Act marriages, not to pre-Act marriages. We propose to make a distinction between pre-Act marriages and post-Act marriages. Pre-Act marriages will be allowed to be registered even though they were not in accordance with the condition prescribed by this Bill, but which were in accordance with customary rules in force at the time of the marriage. That is the idea. In regard to those who are anxious to marry according to the customary forms even now, it is quite open to them to marry under their personal law. But if they choose to marry under this law, then they must accept the conditions which for the first time are being laid down for such marriages.

And this is a law for the whole of India, not for any particular community, not for South India, only, but for South India, North India, East India, West India (*Shri N. C. Chatterjee*: And Central India). And therefore the rest of India need not draw inspiration from South India. We are legislating for the whole of India . Therefore we say that looking into the matter from that broad point of view it is not right that there should be any marriage between prohibited relations. And this has been the law everywhere.

What are the degrees of prohibited relationship, is a different matter. You can say five degrees on the father's or seven degrees; three degrees on the mother's side or five degrees. Or you can lay down a list to make it clear beyond doubt as to who will be a prohibited relation and who will not be. That is another matter. But in every community this is the practice. I say without fear of contradiction. I cannot speak about Russia. But even there I believe they do not allow marriages between prohibited degrees of relationship and among near relations. So this eugenic principle is universally recognised. And we are doing the same. We provide that if a marriage under this law does not observe the rules of prohibited degrees of relationship, that will be a void marriage. But if there are any customs to the contrary, let these customs be recognised in respect of these marriages which have already taken place. But if future marriages are proposed to be solemnized in violation of the rule about prohibited degrees of relationship, then I say they should come under the personal law

[Shri Biswas]

which permits such marriages. But do not make a mockery of this Bill. That is the point. Therefore in a scheme of this nature there can be no room for any customary variations so far as prohibited degrees of relationship are concerned. That is my submission

In regard to the prohibited degrees you will find that we are trying to provide the minimum of restrictions. but at the same time the restrictions are such as will preclude undesirable marriages which are wrong from a eugenic point of view. My friend, I suppose, will not like to permit incestuous marriages. The list of prohibited degrees will bar incestuous marriages. Nobody will like such a marriage. I have not suggested anywhere that the customary forms of marriage which prevail in South India are incestuous or open to similar objections. I have not said it. There is the custom which permits it. But let not customs have any effect on marriages which will be solemnized in future under this Act. That is all that I plead for.

Shri N. C. Chatterjee: I think the hon. the Law Minister is quite logical, and I am afraid that my learned friend who wants his amendment to be accepted is not consistent. He and his friends are taking up the attitude that the sacramental marriage or the marriage according to Hindu custom is rather medieval, rather not progressive, and they are asking for a uniform law. They cannot have the best of both worlds. If you want to have the customary law then stick to customary forms of marriage; marry under your personal law; do not take advantage of this thing.

What they are trying to do is this. They are saying that if you want to take advantage of this kind of civil marriage which is to be registered under this Special Marriage Act, there must be some limitation with regard to age and there must be some limitation prescribed in degrees of prohibited relationship.

Frankly saying, if in South India, Malabar or East India or any part of the country there is anything which ought to be incorporated herein, boldly say so. If it is good for Madras and good for the whole of India, let us modify the provision and apply it uniformly and rigidly throughout India.

But do not say: "I will marry under this Act; but I will have customary degrees of prohibited relationship." Do not say "I will have certain limitations, but I can resort to a side-wind and make them nugatory or illusory by invoking my personal law." That will not be fair. Stick to your personal law. Nobody prevents you from marrying under your personal law. Nobody is compelling you to derogate from your customary rules of marriage and take advantage of this.

Come out boldly and say if you want first cousins' marriage. If you think it is good, let us incorporate it. Let Parliament discuss it on its merits and make provision in the Schedule where prohibited degrees of relationship are being specified.

But it will not be fair, it will not be right, it will not be consistent, it will not be logical, you lack the courage of your conviction if you say that you will marry under this Act but will be governed by customary law so far as prohibited degrees of relationship are concerned. Then you demand that you must not have these medieval antediluvian *Manu, Yagnyavalkya* laws now. Manu's injunction has ruled India for centuries.

Asapinda Cha ja motuh
Asagotra cha ja pituh/
Sa prasata dwijatinam
Darakarmani maithune//

Say it is not proper now. Frame a list of prohibited degrees now. Frame it and enforce it throughout the country and have some kind of uniform civil code for regulating all the civil marriages. Do not allow any more invocation of customs. You do not know

how many millions of customs we have among different classes and different communities and different castes and sub-castes. In one region you may have million of customs and usages. You do not know to what you are giving your legislative sanction. Don't give the parliamentary imprimateur to all kinds of customary usages whereby you can make this law nugatory to that extent. If you have courage of conviction, boldly say that a particular kind of prohibited degree of relationship must be enforced uniformly throughout India.

The Directive Principles have been, to some extent, brought into actual practice. Otherwise, if you have both the things, invocation of the civil law and at the same time, invocation of sacramental or customary law, it will lead to anomalies, it will lead to inconsistencies. It will make this law nugatory, it will not be fair, it will not be just, and it will be thoroughly illogical.

Shri Raghavachari: I rise to oppose this amendment. My hon. friend who has moved this amendment wants to add a proviso which is to be found elsewhere in the Act. His fears or his purpose, I am not able to understand as being either real or necessary. Of course, my hon. friend Shri N. C. Chatterjee has advanced all arguments in favour of rejection of this amendment. As I said at an earlier stage, there has always been some confusion in the minds of Members of this House. Whenever they consider any particular clause in the Special Marriage Bill, they think in terms of making it always applicable to other marriages under other laws. That is the confusion that is working in the minds of some hon. Members. As Shri N. C. Chatterjee has already pointed out, it is not necessary that the customs should be brought here. It is illogical.

Apart from that, I will add another argument. Reference has been made to clause 15 which does provide for such exempted degrees of relationship coming together in marriage and even that marriage can be registered under this law. I for one think that even Dr. Rama Rao, without this amendment, can certainly come under this Act. Only he must wait for a few hours after the marriage has taken place under other laws.

Dr. Rama Rao: After all the expensive show.

Shri Raghavachari: I will come to expenses in a minute. All that section 15 says is,

> "Any marriage celebrated, whether before or after the commencement of this Act,... may be registered..."

It is always there.

His other argument is that registering after having undergone another marriage involves expenses.

Is there anything in this law which says that one must spend much money?

Dr. Rama Rao: But, it is done

Shri Raghavachari: It is your stupidity, your foolishness, your want of courage that makes you conform to methods of expenditure. When you want to have your marriage registered under this law, have your marriage celebrated quietly under a tree, without inviting anybody. Who asks you to spend money? The question of expenses cannot be brought in.

To my mind, it is a simple matter that the House has to examine. The list of prohibited degrees of relationship, we have yet to consider in detail. If all these customs also must be brought in here it only means that this law is going to be purposeless. Why then bring so many laws, spend the time of the House and then bring in everything into the hotchpot? I oppose his amendment

Shrimati Renu Chakravarty: I would like to answer the points made by Shri N. C. Chatterjee. It is true that we do want one civil law apply-

[Shrimati Renu Chakravartty]

ing for all marriages and which will guide all sections of the Indian people. But as yet we have not been able to do that. Therefore, we have to accept the position that we are in a state of transition. It is no use saying that we have to absolutely divide the two sets of marriages the civil and the customary. It is impossible.

Shri Nand Lal Sharma (Sikar): That is your goal.

Shrimati Renu Chakravartty: I have not been able to follow my hon. friend. We accept the position that there are people, a majority of the people, who will be marrying under the sacremental form, who will accept the customary law. But, at the same time, even among them, there are people who want to have their marriages registered. They want the registration to take place. They want that there should be monogamy. I remember in the Select Committee, one of the persons who most strongly advocated the admittance of usage and custom under this Act was a Muslim Member from the Upper House. He said, it is impossible for us at this moment to have a law whereby we can enforce monogamy even when it is a marriage between two Muslims. These same arguments were put forward as are brought forward here. We would here like to have monogamy. We would like that there should be one law and a new reformed law for the whole of India. But, we have not got it. Are we not, then, going to take the next best? If we do not do that, we would make no progress at all. We have to accept the position as it is. We have to explain things to the people to dispel their prejudices step by step. We have also to make provision for the demands of the time taking everything into consideration. Therefore, I feel that at this stage of transition, it is no use categorically saying that this civil form of marriage is an entirely separate thing and we are not going to accept customary forms of marriage in this Act. So, let them go and marry under the customary forms of marriage. Society at the moment demands that the customary forms should be gone through and at the same time, they would like to enforce monogamy and they want that the marriage should be registered. Section 15 has been cited by Shri Raghavachari. Seeing the fate of this Bill, I doubt very much whether we will stand by section 15. Even that section may be withdrawn under pressure from certain quarters. (*An Hon. Member*: It may be deleted.) That is true. It is true that if we cannot get custom and usage into this Bill here, we can by some other method make up for it in section 15. Even then, I am afraid of section 15. It is quite true that there are a very large number of people who want this to be deleted. Therefore, the real reason why we press this amendment is this. Registration for Hindu marriages is optional. At the same time, it is only the States that can enforce this. It is not something on which we will legislate centrally. Therefore, since we are not making registration compulsory for Hindu marriages, I would again urge that we should allow even to those who are being married under custom and usage, the protection of registration under this Special Marriage law. Therefore, I say that this amendment should be supported. This argument that we should absolutely divide the marriages into two watertight separate compartments does not hold good in this period of transition

Shri Bogawat: I have brought in amendment No. 114 to the effect.

In page 3, lines 7 and 8, *after* "relationship" *insert*:

> "unless the law, any custom or usage having the force of law governing them permits of a marriage between them".

You know very well that among the common people, there is a custom

whereby they marry the mother's brother's daughter. At least in my presidency, the common people prefer to marry the mother's brother's daughter.

Shri Velayudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): What is the custom?

Shri Bogawat: To marry the mother's brother's daughter; that is the maternal uncle's daughter. That is a common custom in my province. At least among the common people, such marriages take place. In order that they may take advantage of the rule of monogamy, in order that they may be able to take advantage of the Succession Act and other advantages, it is quite necessary that there should be registration of such marriages. This clause is quite necessary when such marriages take place in number. If you refer to the prohibited degrees mentioned in the First Schedule, we find in item 37, the mother's brother's daughter is included in the prohibited degrees. That, is, we give the go-by to so many marriages which are taking place under the old customs. Similarly, there are other customs also. For instance, among Mohammedans, there are customs to marry between certain relations—for instance, first cousins. This is because there are certain reasons for that, that the property rights and other rights should not go to other people. Therefore, these marriages take place owing to custom. So, in order not to give the go-by to such customs, it is quite essential that there should be this clause. On the contrary, the Law Minister has said about clause 15, but I am of this opinion that this should be withdrawn if it is not necessary at all. If you allow this amendment, then it will be of much use to so many people, a number of people who are now trying to get their marriages registered under this Act and derive the advantages of this Bill. Otherwise, they will not get the advantage of this Bill. That is my object. So, I will request the hon. Law Minister to consider this amendment and if anything comes in the way of clause 15, he may withdraw clause 15, or take out such prohibited degrees as mother's brother's daughter and son. So, I request the House that my amendment may kindly be considered.

Dr. Jaisoorya: The whole difficulty, the whole confusion arose because in the original thing it was written:

> "Any marriage celebrated, whether before or after the commencement of this Act, other than a marriage..."

Now, it has been clarified that those marriages which were under customary law shall be entitled to be registered only up to the time this Act comes into force. After that, we intend to have certain rules of relationship which are generally accepted. What has happened before cannot be undone. Therefore, the law allows that you can register provided you have married under the customary law before this Act comes into force.

Now, the argument of Dr. Rama Rao and the gentleman here is that customary law, customary usage having the force of law should be allowed. I want to ask how many? There will be no end to concessions to all sorts of customary laws, and the very purpose and spirit of this Bill will be lost. Do you believe that there is no such thing as eugenics, that eugenics is all bunk? In the ancient Egyptian empire, the Egyptian kings married their own sisters. There is no evidence that it was bad. Where are you going to put a stop to all this? It is incestuous. Marriage with your niece is incestuous, whether you call it customary law or not. Marriage with your cousin is incestuous, whether you call it customary law or not. And I should know something about it because my father was forced to marry his niece as his first wife, and he did not approve of it. That is customary law. It is not always based on absolutely correct

[Dr. Jaisoorya]

eugenics. It happens. Many things like this happen. But we have got to lay down some general guiding lines. There may be mistakes here and there but we must lay down the guiding lines. "Otherwise a large number of people will not be able to marry"—that is an argument in a bargaining spirit. We do not want many people to marry unless they observe these things which we think are correct, and we should not make, against conscience and present knowledge, any concession only in order to get more and more people into this thing. Make the Hindu Marriage Act also monogamous. Then there should be no argument that because we want monogamy people should come here. We have got a certain principle, a certain standard—this standard for this, that standard for that and so on. I am not prepared to water down a general principle only for the sake of getting more clients.

Shri V. G. Despande: I rise to oppose this Bill not because...

An Hon. Member: This amendment.

Shri V. G. Deshpande: ... this amendment of Dr. Rama Rao, not because I regard these connections as incestuous. In fact, I belong to a caste in which marriages with maternal uncle's daughters are allowed. Not only are they allowed, I would accept challenge from anybody to prove that they are against *shastras*, or against any laws of eugenics. If you read the old *nibandas* and *prabhandas*, there are very scholarly discussions on this point. But the point is not concerned with the marriages with maternal uncle's daughters or what happens in certain castes and communities in further south of India. We have to consider whether we are going to allow all customary laws to be made permissible under these prohibited degrees. As Mr. Chatterjee has rightly pointed out, the proper place where Dr. Rama Rao's amendment should have been made was the schedule to this Act. If we are convinced that accordnig to laws of eugenics, morality and other social considerations, marriage with maternal uncle's daughter is proper, there should be a specific proposal for it. I personally feel that in the customary law which we are following there is nothing improper, and therefore the Hindu law, as a rule laid down for a definite class of people, ought to be accepted. But by this amendment you are accepting every custom that will be proved in a court of law, and it may be made permissible under this. If you have got any specific proposals, they can be brought and can be included in the schedule.

One hon. Member said that in his parts common people have been doing this. Perhaps he does not know uncommon people, and common people, also he does not know. He is perhaps a foreigner in his own province. The highest castes in the province to which he belongs are following that law. He, unfortunately, does not know it. Whether it is followed by common men or extraordinary men, the point is this. Common men are not going to take advantage of this law. Only those people are going to take advantage of this law who want a uniform civil procedure code in this country and who believe in certain laws of eugenics or morality or sociology. And I entirely agree with Mr. Chatterjee when he says that certain customs have to be allowed under this Special Marriage Act. Parliament should have opportunity to discuss. If the House gives its consent that maternal uncles can be married to their nieces, if the House accepts it, take it and include it in the Schedule. But I am finding that there is, I should like to say, not a very proper anxiety to include all kinds of marriages, and by that giving encouragement to all kinds of reactionary tendencies in the society. They say: "Decrease the age of marriage, make it fifteen, fourteen." If child marriages can also be allowed according to customs, our enthusiasts of progressivism would come and say that in villages marriages are taking

place at the age of five, allow marriages at the age of five also. I do not know what is their view in their heart of hearts, but I am finding that those people who regard marriages with maternal uncle's daughters as incestuous, also say that a larger number will come. It is just like catching votes in the elections. Any device is good. And there is a strange psychology working that these marriages must be made as popular as possible.

My own objection is not to any kind of particular custom or manner, and as I have said in the beginning, in fact I am a firm believer in the customs for which they are speaking. Perhaps it would have been better if they had mentioned specifically that marriage with maternal uncle's daughter should be allowed, or those who feel that a niece should marry her maternal uncle should have specifically said it here, and then we could have discussed points in favour and against it. But here we are making it a sweeping amendment saying any customary law, personal law or usage having the force of law. India is a very strange type of country. Strange laws are there in this country. Some persons were saying that there are...

Shri Velayudhan: Strange religions also.

Shri V. G. Deshpande: Strange religions also are there. But I am finding those devotees of progressivism are coming here and supporting all kinds of customs, manners and all these things. They say: "You are talking against us, South Indians." I could have understood this thing, that there can be love for your own customs, usages in your parts, but this Bill is itself a revolt against all those things. Thousands of years we had held dear to our hearts certain usages. You are doing away with the marriage ceremony, you are doing away with the sacred fire, you are doing away with all this sacred vow, but you are sticking to all kinds of customs which we do not know, and parading in this House that you are introducing a uniform civil law for the whole country, and that a model system of marriage is being introduced. And in that marriage, you say, this is an ideal girl, but she should have any kind of nose, any kind of complexion, and any kind of eyes. In this manner, a law which is not definite, but is based upon the fleeting usages and customs in different parts of the country will make the whole thing ridiculous. Therefore, in the name of consistency, I appeal that this amendment should be rejected.

Mr. Chairman: Shri Sadhan Gupta.

Shri Velayudhan: About Malabar, I want to make out a few ponits.

Mr. Chairman: Let Shri Sadhan Gupta speak first. He has tabled an amendment in this regard.

Shri Velayudhan: The hon. Minister referred to Malabar in the course of his speech.

Shri Sadhan Gupta: My amendment and Dr. Rama Rao's amendment are almost identical in words, excepting for the last word, but that is not very material. I would strongly oppose the hon. Members, including the hon. Law Minister, who have come out with what they think to be the logical arguments against the acceptance of these amendments.

The hon. Law Minister has stated that it is bad eugenics to permit the marriage between relations who have the permission of customary law to marry in South India. I submit that is an entirely wrong way of approaching the whole thing. Now, we know that India is land of diversity, and in different parts of the country, there are different customs, and the customs prevailing in one part are revolting to people in another part. But that is not the question here. The question of eugenics or a hygienic marriage

[Shri Sadhan Gupta]

does not arise at all in this connection, for the simple reason that if you really think that this kind of marriage permitted by custom is unhygienic or uneugenic, then the only thing is to prohibit it. Let there be a discussion in the House as to whether it is unhygienic or whether it is contrary to eugenics, and let it be prohibited altogether, if the House comes to the conclusion that it is unhygienic, or uneugenic, or should not be permitted for other reasons. On this very principle, you have prohibited polygamy. On this very principle, you are seeking to prohibit polygamy and polyandry even in Hindu marriages. So, if you really think that marriage between relations who are permitted to marry in the south is bad, and unhygienic, you come forward with a bill, let the House discuss that, and if it thinks that it is really unhygienic, then it may ban it, or if it thinks that it is not unhygienic, then it may permit the custom to go on. The question is, as things stand at present, you are prepared to recognize the custom. You are prepared to agree that if the marriage is in the form prescribed by the customary law, then it is a valid marriage. My question is this. What is the justification, or where is the logic in preventing people marrying under this particular Act? Let us be quite clear about it. This Act does not seek to provide for eugenic marriages. What this Act seeks to do is to provide a simple form of marriage, and an easy method by which alliances which have become unfortunate may be terminated. It confers liberal the right of divorce, and it creates a simple procedure of marriage. It is these that the Act seeks to do, and nothing else. If that is so, why should people who have the right to marry, who have the right to be husbands and wives under a particular form of law be denied the right to be husbands and wives under this particular Act?

Mr. Chairman: May I just ask one question? The difficulty which occurs to me is this. Supposing this amendment is accepted, and a person has already got two wives married under the old customary law, should that also be allowed to be registered under this Act?

Shri Sadhan Gupta: That is a different thing. This relates to prohibited degrees of relationship.

Mr. Chairman: I can understand the whole thing, if there is only one wife. But a man may have two wives...

Shri Sadhan Gupta: No, the point is this. We are all agreed in this House that monogamy should be the rule.

Mr. Chairman: If you water it down to that level, it may legitimately be argued, why allow any marriage to be registered under this Act at all?

Shri Sadhan Gupta: The point is that, in this House, we are agreed on the principle that a man or a woman shall not be allowed to marry more than one spouse. That we are all agreed to.

Shri U. M. Trivedi: One spouse at a time.

Shri Nand Lal Sharma: Is that customary law?

Shri Sadhan Gupta: At a time, he or she shall not be allowed to have more than one spouse. That we are agreed to, and that is why we are providing for the same thing in the Hindu law reform also; we are providing the same thing in this particular Bill also. That is understandable. If you adopt the same attitude towards these prohibited degrees of relationship, namely, that no one, whether permitted by custom or not, should be allowed to marry within the prohibited degrees of relationship in any event, I could have understood it. But that is not your

contention. Your contention is that persons within prohibited degrees of relationship may marry in accordance with customary law, but they may not marry under this Act. Where is the logic behind it? Why should a husband and wife, who have the right, and who can marry otherwise, be denied the right of availing themselves of this simple procedure of marriage, and of enjoying the more liberal rights of divorce which this particular form or procedure of marriage implies as a concomitant. That is the thing to be considered.

Moreover, this has a very wide application. It does not concern merely the people of South India. This Act is supposed to apply to every community. Let us take the case of the Muslims, or even the Parsis, among whom marriages within the prohibited degrees of relationship are allowed. You are not stopping that by any Bill, and you are not stopping that by any law. Only, you are providing that under this law, they will not be allowed to marry. And this illogicality of the hon. Law Minister has proceeded to such an extent that he is willing to permit pre-Act marriages to be registered under this Act as special marriages, but not post-Act marriages. What is the difference between a pre-Act marriage, and a post-Act marriage in this case? When a husband and wife marry in accordance with the customary form of law, they do not marry with a view to registering it under this particular Act. They first marry under the customary law, because they want to marry under that law, and then they grow wiser, and they think that they might enjoy the rights of divorce and the rights of succession provided by this particular Act, and therefore, they register it under this Act. So, what is the meaning in permitting pre-Act marriages to be registered, but not post-Act marriages to be registered?

Shri Biswas: Perhaps, I ought to make this point quite clear, in regard to the introduction of customary variations. When I said, we shall be prepared to register pre-Act marriages, but not post-Act marriages, what I meant was that in respect of pre-Act marriages, we shall allow custom to have its force, but in respect of post-Act marriages, we shall not allow this. I was referring only to this particular clause regarding prohibited degrees of relationship, not that we are going to rule out registration altogether.

Shri Sadhan Gupta: That was not what I said. I said there was no logic in saying that in the case of pre-Act customary marriages registration would be allowed and in the case of post-Act customary marriages registration would not be allowed.

Mr. Chairman: Is there any such thing in the present Bill?

Shri Sadhan Gupta: It is in the present Bill—clause 15(e). He wants to modify that provision. Now, the point is either you want to give the couple the extended rights which this law enables them to possess or you do not. I submit that on the ground that they were married under customary law, this right should never be withheld. I would submit it is unconstitutional to withhold this right. Where is the rationale for this classification between customary law and the prohibited degrees under this law and between pre-Act customary marriages and post-Act customary marriages? What we need is the equal protection of the laws. When we permit customary marriages, why should we deny them equal protection of this particular Act? On what basis, on what rational basis of classification can you do this? Again, when give a certain class of people within the prohibited degrees married under customary law protection, why should we not give other classes the same protection? That is why I wish the Law Minister would give his very mature and very anxious consideration to this aspect of the matter. What is the logic behind treating the two classes differently? We are not insisting that everyone in every part

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of the country should be governed by the same law. Mr. Chatterjee said that if the law was good for one particular part, it was good for another. By no means it has had an organic growth in that part of the country and that is why it is there, and in the other part of the country, the law has had another kind of organic growth and so it is not there. Therefore, if you want to prohibit the marriage, prohibit it in all cases; let us decide how much we can prohibit. If you do not want to prohibit that marriage, for God's sake do not deny one portion of the community their right to enjoy the benefits of this particular Bill.

Several Hon. Members *rose*—

Shri Velayudhan: A certain reference was made about custom in Malabar. I would like to reply to that.

Mr. Chairman: Yes.

Shri Velayudhan: I was to some extent surprised when I read the amendment moved by Dr. Rama Rao and supported by Shrimati Renu Chakravartty. In this respect, I think they go very very backward, when they themselves claim that they are advanced. This is without casting any reflection on any particular person. I must tell you that the very purpose of this Bill is to do away with or to discourage custom and usage. Our friends now want to stick to that custom and usage. In Malabar, there was a custom of marrying the sister's daughter to the brother's son or *vice versa*, about which the hon. Law Minister mentioned. And he said that two gentlmen wrote to him that they will find themselves helpless if this Bill is carried as it is with this particular clause. But I must tell you that there is a very important point in this matter, and because the particular mention of that letter has got wide publicity in the country, I must convey to the House that that is not the entire fact. The fact is this, that even though those customary marriages still exist in Malabar, yet we had given the right of property to women as well as men by legislation, with the result that today the position is that very few young men or young women think of marrying their own kith and kin. Therefore, that particular letter which the Law Minister got is not a representative letter. Of course, there was this custom; but it has already practically vanished in Malabar or in the whole of Kerala today. I welcome this particular clause personally; not only personally, but from the eugenic point of view also it is an obnoxious custom. That is what I feel. It should have been stopped earlier. The modern youth does not like this custom of marrying blood relations. Therefore, I was surprised when Shrimati Renu Chakravartty was trying to uphold a custom which was condemned by even the youth of the country today. So I welcome the elucidation or clarification given by the Law Minister and I feel the House should reject these particular amendments from this group, *in toto*.

Shri M. S. Gurupadaswamy: Mr. Sadhan Gupta while speaking on his amendment said....

Mr. Chairman: Before the hon. Member proceeds, may I make one point clear? It is perfectly clear—of course, as a lawyer he will realise it—that there is no intention by this to prohibit in any way marriages which may take place under custom.

Shri S. S. More: They will be prohibited under this legislation.

Mr. Chairman: Yes, if solemnized under this Act and if within certain prohibited degrees.

Shri Velayudhan: It will be within limited degrees.

Mr. Chairman: Let us try and see what the effect of this will be instead of arguing why some are doing it and why some are not doing it.

Shri M. S. Gurupadaswamy: I will be very brief in my remarks. Mr. Sadhan Gupta was making out that

the purpose of this measure is not to encourage eugenic marriages; on the contrary, he said the purpose is very simple, to encourage a particular, special, type of marriage. I differ from him in this respect. The purpose is not only to encourage speedy marriages and easy divorces, but also to lay down healthy norms, some good standards, for marriage in society. It is very unfortunate that of all people Members who belong to the Communist Party—should come forward with a proposition which is regarded by all progressive sections as most notorious and most primordial. I was really shocked that an amendment like this should come from such a progressive section, and that Shrimati Renu Chakravartty and Dr. Rama Rao should support it.

Shrimati Renu Chakravartty: Why doesn't he answer my question?

Shri M. S. Gurupadaswamy: I am answering. My hon. friend, the lady Member, said that there should be no objection to people who marry under customary law and practices taking advantage of the benefits of this law, and the schedule of prohibited degrees should not in any way come against these couples marrying if the customary law permits it. Sir, there are so many customary laws prevailing in the country, and our country is almost a veritable jungle of customary laws and practices. Are we still to think in terms of customary law and practice? If customary law is good let us adopt it. But, if the customary law, usage or practice is inherently bad and unreasonable, then should we try to hug it?

Shrimati Renu Chakravartty: Ban it?

Shri M. S. Gurupadaswamy: Certainly ban it. I would have expected the hon. Member to come forward and say that this is a salutary provision and let us extend it to all the classes of marriages. Let us make it compulsory. That would be a progressive step. The Communist Party wants to have one wheel of progress and another wheel of reaction. This is fantastic.

Shri Sadhan Gupta was invoking logic for defense of his point. I do not think it is logical. On the contrary I must say it is illogical logic to say that there should be a special type of marriage under this law and, at the same time, to argue that the salutary effects of this measure should be taken away by a backdoor method of invoking customs. This is a rather very untenable proposition.

We are aware that in society even today there are divorces and divorces; there are free and easy marriages and speedy divorces. Customs permit them. Why should we not rely on them and extend the scope of customs? Then we need not think of enacting this law at all. But this enactment is intended to set a few good norms for society in respect of marriages and divorces. We have to extend the scope of this. Sir, what is the purpose of an enactment? The purpose of a statutory enactment is to reduce the scope of customary law so that we may avoid any sort of indefiniteness, doubt or uncertainty.

Another purpose is to bring reason and reasonableness to the field of customs and practices and to eliminate slowly the practices and customs. Even if the customs are good, we must substitute them by statute law which is definite, precise and reasonable. That is the purpose of an enactment. My friends here seem to have missed the bus.

Shri Velayudhan: You take the bus. *(Interruptions.)*

Shri M. S. Gurupadaswamy: It is very unfortunate, Sir, that this amendment has been brought forward by my progressive friends, as it is most reactionary. I strongly object to this amendment and this should not be permitted. If it is permitted, the main purpose of the Bill would be defeated and will be indirectly sabotaged.

Shrimati Renu Chakravartty: May I ask this illuminating Member how we can enforce monogamy among those large sections who are actually being married under the customary law? (*Interruptions.*)

Shrimati Jayashri (Bombay-Suburban): I am strongly against the amendment. I am surprised that Mrs. Renu Chakravartty is supporting this amendment. When we try to have a uniform law it is necessary that we should progress and have changes in our law which are more progressive.

In clause 15, some of us thought that confusion would be created by allowing customary laws to prevail, as we all know that India is a vast country and we have a variety of customs and usages. Some customs even allow divorces by saying *'talak'*. We are not going to allow that in the present Bill. We have to be very careful when we want to change the present Act of 1873. On this ground, some of us oppose clause 15, which would have allowed a loophole. But, I am glad our Law Minister has given us the assurance that this Act will not apply in future only to those marriages which have taken place before this Act has come into force and I am glad that the Law Minister is going to make this change. I hope the Members here also would support this.

1 P.M.

On the point of eugenics also, I think it is necessary that cousin marriages should be stopped. When we want to have a uniform Act we should see that it is more progressive. Those who want to resort to their customary laws can marry according to their personal laws. Nobody is going to prevent them. On this ground, I strongly oppose this amendment.

Shri S. S. More: I want to raise some points. The amendment says:—

> "unless the law or any custom or usage having the force of law governing each of them permits of a marriage between the two."

According to this amendment, I want to know from my friends whether it will not be necessary for both the parties to be under a particular custom. Supposing A and B are governed by two different customs, what will be the position? If the word 'each' is to be interpreted in the proper way, then it would mean that both A and B must be governed by that same custom and, if they are governed by that same custom, then only that sort of marriage will be permissible according to this amendment.

Personally, I am very much against custom and usage. What is the definition of custom? There are judicial decisions. Customs must be ancient and must be sufficiently widespread and reasonable. Reason and custom go ill together. Customs developed under the pressure of society are useful for a particular time. The moment society advances, what was useful at a particular stage of its development becomes out of date and out of tune with the marching society. Therefore, such customs must be supposed to lose their force.

Shri V. G. Deshpande: Marriage itself is custom.

Shri S. S. More: Custom and usage are the two legs on which orthodoxy walks and man, who is advancing scientifically, must particularly see whether a particular custom is in accord with science or not. If it is in accord with science, then we might look at it with some tolerance. The present measure is not knocking out all customary marriages. Possibly, there might be a certain custom which might be in full accord with prohibitory degrees mentioned here. Such customs, when embodied into law, acquire greater validity. But, there might be certain customs which might be undesirable customs, which might be out of date in the present times, and which might not pass the muster of science and modern ideas that we have developed. Are we going to stand for such customs? On the contrary, we must knock out custom because custom itself imposes cer-

tain undesirable restrictions and there has been legislation to annul or undo the effect of custom or usage.

I would bring to your notice the Hindu Marriage Disabilities Removal Act of 1946. What does it say? Clause 2 says:—

> "Notwithstanding any text, rule or interpretation of the Hindu law or any custom or usage, a marriage, between Hindus which is otherwise valid, shall not be invalid by reason only of the fact that the parties thereto belong to the same *gotra* or *pravara* or belong to different subdivisions of the same caste.".

So, in certain communities custom laid down that persons belonging to the same *gotra* should not marry. It was found that the custom was unreasonable and therefore, law came to the aid of the parties, and permitted marriage between the same *gotra* and *pravara*.

Shri Nand Lal Sharma: What about reason?

Shri S. S. More: My hon. friend is asking me: what about reason? Now, reason is not a safe criterion because different individuals will have different standards of reason and different stages of reason develop. Therefore, what is reasonable has to be construed in the light of scientific advancement. For instance: if a custom says that a *sudra* should not eat sugar, then I would protest against that custom. But, if it is prescribed by a doctor that a man who is suffering from diabetes should not take sugar and the *sudra* happens to be one of the diabetic patients, then I would say that this injunction is an injunction prescribed by science and must remain.

Dr. Jaisoorya: I protest; I am a diabetic and I eat sugar.

Shri S. S. More: Then we will have to pass a law preventing such a diabetic patient from eating sugar. That is another matter. Therefore, whatever is prevented by society; whatever is prohibited by society at certain stages of development, when we have registered a further advance, we have again to submit that particular custom or particular prohibition to the test of scientific advancement and to the requirements of the times in which we are residing. So, I personally feel—I do not want to take much time of the House—that this amendment should not be passed. This is a measure which is trying to take the country to an advanced stage; this is going to take the country to a progressive stage, and whatever is likely to be retrograde or reactionary should not be mixed up with the present legislation. I would have viewed this amendment with sympathy if no other form of marriage was available for persons with customs. Now, there are different legislations; there are different marriages for Muslims, Parsis, Christians and Hindus. As long as these different provisions are there, provisions which take notice of the customs and permit such marriages, there are other doors by which they can go out if they want to do so. So far as these doors are concerned they should be strictly kept open for those who qualify under the strict provisions of this particular enactment. So, my submission is that, with all my sympathy I quite see that, they are trying to cater to the needs of a larger number of persons, but that is not the way by which we can do this. We must find out some other way by which we can get this done.

There is one more argument which I want to mention. If marriages are confined to a particular family, it is undesirable. Why should the party be confined to a particular girl? On the contrary, if there is some such provision by which the custom will be knocked out, the boys and girls will have a larger field of selection. The property will be distributed more equitably in different families and that will be a step in the right direction towards advancement of society; otherwise, these marriages are engineered by persons who want to keep the property intact in their own families.

Shri Sadhan Gupta: Then, ban it.

Shri S. S. More: You please move a measure. I request Shri Sadhan Gupta to table a Bill and I will support that Bill if he comes forward with such a Bill. My submission is that these marriages are always taken advantage of by persons who want to keep the property confined to certain families and do not want it to go outside. Therefore, even from that monetary point of view I am against this particular amendment.

श्री नंद लाल शर्मा :

नमो भगवते कुसुमायुधाय ॥

सभापति महोदय, बात यह है कि दो देवियों के बीच में एक बच्चे के सम्बन्ध में झगड़ा हो गया। किसी न्यायाधीश के पास केस गया। दोनों मातायें रोती रहीं कि यह बच्चा मेरा है। दोनों ही उस बच्चे के हटाने से बड़ी दुखी होती रहीं, प्राण देती रहीं और चिल्लाती रहीं। अन्त में बड़ी चिन्ता हुई कि क्या किया जाये। अन्त में न्यायाधीश ने यह कहा कि इस बच्चे को आधा आधा कर दिया जाये, आधा बच्चा एक स्त्री को दे दिया जाये और दूसरा आधा दूसरी स्त्री को दे दिया जाये। जो बेचारी बच्चे की माता थी उस ने कहा कि इस बच्चे को दूसरी स्त्री ही को दे दिया जाये, वही उस की माता है, मैं नहीं हूं।

मुझे कोई बड़ा अचम्भा नहीं हुआ जब साम्यवादी पक्ष से इतने शक्तिशाली ढंग से और बड़े स्नेह से बोलते हुए कस्टम्स को बचाने की चेष्टा की जा रही थी। वस्तुतः उन की इच्छा यह है कि इस कस्टम बेचारे के प्राण ले लिये जायें। इस के अलावा और कुछ नहीं है। हम को जरा भी अचम्भा इस बात से नहीं हुआ। जो जादूगरनी मुख से आग उगल सकती है और उसी समय पानी भी उगल सकती है वह अगर एक ही क्षण में कस्टम को नष्ट करने और कस्टम की रक्षा करने की बात कहे तो कोई अचम्भा नहीं। पहली बात यह है कि कस्टम की रक्षा यदि करनी ही थी तो इस जाति और देश में जो कस्टम प्रारम्भ से चले आ रहे थे, उस में स्पेशल मैरेज कहीं नहीं थी, उस के लिए भी हमारे विधि मंत्री महोदय ने जिन के मन में थोड़ी सी पिछले पिता पितामह और बाप दादों की इज्जत रह गई, यह नहीं चाहा कि प्राहिबिटेड डिगरीज को बिल्कुल हटा दिया जाये। हालांकि मैं जानता हूं कि इस बिल के शिड्यूल में कस्टमरी प्राहिबिटेड डिगरीज नहीं हैं, लेकिन आप के इस बिल में दी हुई प्राहिबिटेड डिगरीज जो हैं वह अलग हैं।

कस्टम के अनुसार तो----

असपिण्डा च या मातुरसगोत्रा च या पितुः।
सा प्रशस्ता द्विजातीनां दारकर्मणि मैथुने ॥
(मनु)

अथवा

यवीयसीं भ्रातृमतीमसमानार्षगोत्रजाम् ॥
(याज्ञवल्क्य)

यह बिल भी कस्टमरी नहीं है। आप ने जो यूजेनिक्स की बात बार बार की और जिस का समर्थन करने की हिम्मत डा० जयसूर्य भी रखते हैं या श्री गुरुपादस्वामी जिस के समर्थन के लिये आगे बढ़ने की हिम्मत करते हैं वह सिर्फ मोरेलिटी के सीमित दायरे में रह कर ही ऐसा करते हैं। जो हमारे बन्धु आज कस्टम की रक्षा चाहते हैं, उन से मैं चाहूंगा कि वह लोग जो कस्टम हमारे यहां चला आता था कि पिता के सगोत्र और माता के सपिन्डा के साथ विवाह नहीं करेंगे, उस के लिये भी उठ कर कहें। मैं उन का स्वागत करूंगा यदि वह खड़े हो कर कह दें कि स्पेशल मैरेज हमारे कस्टम के मुताबिक ही हो, और जहां कोई कस्टम नहीं है वहां स्पेशल मैरेज न हो। यदि आप यह स्वीकार करें तो मैं कहता हूं कि हम आप का स्वागत करेंगे। लेकिन आप लिबर्टी-निज्म के चार्टर की बात करेंगे, प्रेम के गुण गायेंगे

रतिमन्दिरे वेद पाठ इव शिरश्शूलं जनयति।

कामदेव के मन्दिर में वेद का पाठ हो। तो शिर दर्द पैदा करता है। वैसे ही मुझे यह दिखता है कि आज के प्रसंग में वह कस्टम का नाम ले रहे हैं। इसी लिये मैं ने आज भगवान प्रेम की जय बोली है, कामदेव की जय बोली

हैं । यहां सब से बड़ा देवता कामदेव हैं । हमारे ऋषियों ने विवाह के समय कहा है :

कामोद्दात् कामायादात् कामोदाता कामः
प्रतिगृहीता कामैतत्ते ॥

काम ही दाता है, काम ही लेता है, देता भी काम को है और काम के लिये देता है । ऐसी परिस्थिति में जहां पर कामदेव नंगा ही नाचने लगा, वहां पर विधि मंत्री बेचारे ने थोड़ा सा प्रयत्न किया कि मोरैलिटी ही नष्ट नहीं हो जानी चाहिये । हमारे बन्धु इस कस्टम के नाम से थोड़ी बहुत बची हुई मोरैलिटी को ही मिटाने की चेष्टा कर रहे हैं, यह देख कर मुझे अचम्भा नहीं है । वह जिस सभ्यता को लाना चाहते हैं वह सभ्यता क्या होगी यह तो नारायण ही जानें । कहीं पर वह दक्षिण के नाम से रक्षा चाहते हैं, वह दक्षिण न जाने रूस की तरह का कोई दूसरा आयरन कर्टेन्ड देश है या क्या है, कहीं पर किसी दूसरे नाम से चाहते हैं । पता नहीं वह किस प्रकार के कस्टम की रक्षा चाहते हैं । वह चाहते हैं कस्टम का सर्वनाश और नाम लेते हैं कस्टम की रक्षा का । मैं यहीं पर उन की इस भावना का विरोध नहीं करता बल्कि इसके आगे जहां कहीं पर भी वह आयेगी वहां भी इसका विरोध करूंगा ।

इन शब्दों के साथ मैं इस संशोधन का विरोध करता हूं ।

The Lok Sabha then adjourned till a Quarter Past Eight of the Clock on Wednesday, the 8th September, 1954.